

EXHIBIT A

1 EBT of CHANTELLE BOTTICELLI

2

3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF NEW YORK

5 DR. KAMIAR ALAEI,

6 Plaintiff,

7 -against- No. 1:21-cv-0377 (BKS/TWD)

8 STATE UNIVERSITY OF NEW YORK
9 AT ALBANY, HAVIDAN RODRIGUEZ,
10 individually and in his official
11 capacity on behalf of the STATE
12 UNIVERSITY OF NEW YORK AT ALBANY,
13 BRUCE P. SZELEST, individually
14 and in his official capacity on
15 behalf of the STATE UNIVERSITY
16 OF NEW YORK AT ALBANY, JAMES R.
17 STELLAR, individually and in his
18 official capacity on behalf of the
19 STATE UNIVERSITY OF NEW YORK AT
20 ALBANY,

21 Defendants.

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23 EXAMINATION BEFORE TRIAL of the Defendant,
24 State University of New York at Albany, by CHANTELLE
25 BOTTICELLI, held in the above-entitled matter pursuant
to Notice, on the 26th day of July, 2023, commencing
at 1:00 p.m., via Zoom Videoconferencing, before Kari
L. Reed, a Shorthand Reporter and Notary Public of the
State of New York.

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1 A P P E A R A N C E S:

2

3 YOUNG/SOMMER LLC
4 Executive Woods, Five Palisades Drive
Albany, New York 12205
5 BY: JOSEPH F. CASTIGLIONE, ESQ.
518.438.9907
jcastiglione@youngsommer.com

6

7 OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL
Attorneys for Defendants
8 The Capitol
Albany, New York 12224
9 BY: DAVID WHITE, ESQ.
800.771.7755
10 david.white@ag.ny.gov

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12

ALSO PRESENT:

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Amanda Maleszweski, Chief Campus Counsel, SUNY Albany

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties hereto, that filing, sealing and certification be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed and sworn to before any notary public with the same force and effect as though signed and sworn to before this court.

✱ ✱ ✱

Chantelle Botticelli

1 CHANTELLE BOTTICELLI, called as a witness, having been
2 first duly sworn/affirmed by the notary public, was
3 examined and testified as follows:

4 EXAMINATION BY

5 MR. CASTIGLIONE:

6 Q Good afternoon. My name is Joe Castiglione.
7 I'm an attorney with the law firm of Young/Sommer. We
8 represent Dr. Kamiar Alaei in the litigation matter
9 involving the State University of New York and other
10 individuals. I'm here today to ask you questions
11 about information you might have or might not have
12 about the claims and allegations in the matter, as
13 well as to go over some documents to see if you have
14 any recollection or understanding of what's raised in
15 the documents.

16 Just so you're aware, there's a stenographer
17 here to take a transcript of the proceedings. She can
18 only type one person speaking at a time. So for
19 clarity of the record, I'll ask you a question, wait
20 until I'm finished and then you can respond. Is that
21 clear?

22 A It is.

23 Q Okay. And just so it's clear, if you're
24 giving a response, make a verbal or articulated
25 response with words versus mm-hmms or a nodding of the

Chantelle Botticelli

1 head, because she can't record that. Okay?

2 A Yes. Thank you.

3 Q Sure.

4 Let me know if any questions I'm asking, if
5 you don't understand or you want me to clarify, we can
6 certainly do that.

7 If at any point you want to take a break, we
8 could do that, just let us know. If I pose a question
9 first, you have to answer it before we can take a
10 break, though.

11 A Understood.

12 Q Okay.

13 Is there any reason today you cannot answer
14 questions being presented truthfully or accurately to
15 the best of your ability?

16 A No.

17 Q So no hindering medications or anything like
18 that that might interfere with your ability to recall
19 or provide a response?

20 A Just pregnancy.

21 Q Okay, I got it.

22 At the outset you stated your name as
23 Chantelle Botticelli?

24 A That is correct.

25 Q Did you go by or were known as Chantelle

Chantelle Botticelli

1 Cleary in 2018?

2 A That's right.

3 Q So same first name spelling, but last name

4 was C-L-E-A-R-Y?

5 A That is correct.

6 Q Okay.

7 And just so it's clear to you, if I say SUNY

8 Albany or the university or the school, I'm referring

9 to the University at Albany, State University of New

10 York. Is that understood?

11 A It is. And I would appreciate very much
12 that you say University at Albany, as opposed to of.

13 Q I've learned that over time.

14 Also, if I refer to GIHR or the institute,
15 I'm referring to the Global Institute for Health and
16 Human Rights.

17 (Witness nods head).

18 Q Okay?

19 A Yes.

20 Q Okay.

21 Are you currently employed, Ms. Botticelli?

22 A I am.

23 Q Where are you employed?

24 A I am employed at a consulting firm called
25 Grand River Solutions.

Chantelle Botticelli

1 Q And what is your position at Grand River
2 solutions?

3 A I am the senior director of business
4 development.

5 Q And how long have you had that position?

6 A Since January of 2020.

7 Excuse me, I need to correct that. I've
8 held my current position with Grand River Solutions
9 since June 1st of 2023. Prior to that I was the
10 director of strategic partnerships, client relations
11 and business development.

12 Q And what time period did you hold that
13 position?

14 A From January 2020 to June 1st, 2023.

15 Q And in that prior position can you just
16 generally explain to me what your job duties entailed?

17 A So we're a startup, or were a startup. When
18 I started with the firm there were six of us. So I
19 did a little bit of everything. That included
20 managing client accounts, developing business,
21 developing a strategic plan for reaching strategic
22 goals for growth, as well as serving clients as either
23 an investigator and/or interim Title IX or equity
24 coordinator. I also did and still do training for the
25 organization for our clients and larger community.

Chantelle Botticelli

1 And I think that's a pretty comprehensive role,
2 description of my role from January of 2020 to June.

3 Q Okay. And in your current position is there
4 a significant difference in responsibilities?

5 A Yes. I no longer do direct client work.

6 Q Okay.

7 A I now manage a team of eight. And I'm
8 responsible for oversight of the strategic goals and
9 objectives, the growth of the business. And our sales
10 staff, our client management staff, our operations
11 staff. Yeah.

12 Q And what is the general business of Grand
13 River Solutions?

14 A Sure. We provide support in the primarily
15 Title IX equity spaces. But support includes
16 providing consulting support on developing and
17 implementing policy and procedure that is compliant
18 with the state and federal law. We also do
19 investigations on behalf of our clients. We conduct
20 hearings. We do investigations into student conduct,
21 employee conduct, administration conduct. We do
22 everything in the Title IX and equity space, not only
23 for institutions of higher ed but K-12, and we have
24 government and private sector clients as well. And
25 there's about, I think I said we started at six

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1 employees in 2020, and we're now at about 90.

2 Q Okay. Before 2020 were you employed?

3 A I was.

4 Q What was your position before you came on
5 with Grand River Solutions in 2020?

6 A I was the Title IX coordinator at Cornell
7 University.

8 Q And how long did you hold that position?

9 A From May -- I'm sorry, June of 2018 to
10 January of 2020.

11 Q Can you generally explain your
12 responsibilities for having Title IX coordinator for
13 Cornell in that time period?

14 A I oversaw the -- I oversaw the institutional
15 response to reports of discrimination on the basis of
16 sex at the university. And I also oversaw the
17 institutional response to other forms of unlawful
18 discrimination committed or experienced by either
19 students, faculty or staff. So although my title was
20 Title IX coordinator, my responsibilities included
21 oversight of the institutional response to all forms
22 of prohibited discrimination.

23 Q Okay. And before that were you employed at
24 the University of Albany or University at Albany in
25 2018?

Chantelle Botticelli

1 A That's correct.

2 Q Okay. And what was your position while at
3 the university?

4 A My initial position was university Title IX
5 coordinator. And I held that position from I think
6 January of 2015 until I don't remember when. I was
7 promoted to assistant vice president of, I think it
8 was institutional equity was my title, or equity and
9 compliance, something like that. I think it was
10 assistant vice president of equity and compliance.

11 Q Okay. And can you just generally explain
12 what your job responsibilities included while in 2018?

13 A Sure. I oversaw the institutional response
14 to reports of prohibited discrimination generally,
15 including reports of sexual misconduct by students.

16 Q Did you oversee sexual misconduct
17 allegations against faculty members at the time?

18 A I did.

19 Q Before January 2015 were you employed in
20 similar work doing with Title IX?

21 A No.

22 Q No, that was your first entry into working
23 Title IX?

24 A That's correct.

25 Q Okay. Before June of 2015 were you employed

Chantelle Botticelli

1 or were you coming out of school?

2 A Thank you for thinking that, but no, I was
3 employed for about a decade as a prosecutor.

4 Q Where were you a prosecutor?

5 A I was a prosecutor in Albany County from
6 2010 to 2015. And I was a prosecutor in Clinton
7 County from 2006 to 2010.

8 Q Did you have any special area of practice
9 while being a prosecutor besides general criminal, or
10 was it focused on something individual?

11 A Special victims.

12 Q The questions I'm going to ask you are
13 mostly related to your job duties in 2018. In 2018,
14 I'm sorry, could you just clarify, your position was
15 Title IX coordinator for the university?

16 A Can you say the year again, please?

17 Q Sure. 2018.

18 A It was assistant vice president of equity
19 and compliance.

20 Q Okay.

21 A And as a part of that I was also named the
22 university's Title IX coordinator.

23 Q So Title IX was under your umbrella of
24 assistant vice president of equity and compliance?

25 Yes?

Chantelle Botticelli

1 A Correct, yes.

2 Q Oh, sorry, I didn't hear that.

3 A That's okay. I might have imagined that I

4 answered your question.

5 Q All right. Did you have a supervisor that

6 oversaw your work in 2018 as the assistant vice

7 president of equity and compliance?

8 A Yes, I did.

9 Q Who was that?

10 A Bruce Szelest.

11 Q Okay. So he was your direct supervisor?

12 A Actually, no. Havidan Rodriguez was my

13 direct supervisor.

14 Q And he was the president of the university

15 at the time?

16 A That is correct.

17 Q And Bruce Szelest was the chief of staff for

18 the president at that time?

19 A That is correct.

20 Q Did you report directly to the president in

21 2018 or did you report to Mr. Szelest and he would

22 communicate to the president?

23 A A combination of both of those things. But

24 I met primarily with Bruce.

25 Q Okay. How often did you meet with Bruce on

Chantelle Botticelli

1 a regular basis apart from investigations, just in
2 your general capacity as assistant vice president of
3 equity and compliance, or associate vice president,
4 I'm sorry.

5 A I'm thinking.

6 Q Sure. Take your time.

7 A So I met with him regularly, but I don't
8 recall the cadence. I would say I met with him -- the
9 intention was to meet with him weekly, but sometimes
10 meetings would be rescheduled and we would just agree
11 to either touch base by phone, or if there weren't any
12 pressing agenda items, to discuss them in our next one
13 to one. So I maintained regular contact with him but
14 I don't remember the cadence of our meetings.

15 Q Do you recall how many Title IX
16 investigations you were undertaking in 2018?

17 A The University at Albany I think in 2018 was
18 the second highest reporting institution insofar as
19 the number of reports we received. So I will say that
20 it was a lot. Second only to Cornell. And so, you
21 know, there was, at the time I had a staff of three
22 investigators and a case manager. And all three --
23 all four of us, the three of us, the investigators and
24 myself, had full case loads.

25 Q So would you be able to provide a number of,

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1 you know, 100 investigations possibly going on in 2018
2 while you were there, or 20 or --

3 A It was well over 20.

4 Q Okay.

5 A But I don't want to speculate. I would say
6 in the area of 100. So it may be a little less, it
7 might be a little more.

8 Q Now, when you would -- go ahead.

9 A For the entire year, right.

10 Q Okay. When you would have meetings or
11 discussions with Mr. Szelest about, you know, what you
12 were doing as associate vice president, did you go
13 through each of the investigations you were dealing
14 with at the time for each respective meeting when you,
15 you know, either had a meeting or a call with Mr.
16 Szelest?

17 A No.

18 Q Was it more of a general, can you explain
19 what generally your interactions were at any given
20 times about investigations or how you were reporting
21 to Mr. Szelest?

22 A Sure. So I would give him an overview of
23 the, of the number of matters that we were working on
24 at the time, and I would alert him to any matters
25 that -- any matters that raised heightened concern for

Chantelle Botticelli

1 the health or safety of the students, faculty and
2 staff.

3 Q Did Mr. Szelest give you direction about how
4 to undertake any of the investigations you were doing
5 in 2018?

6 A I'm sure he would have made suggestions.

7 Q By suggestions can you explain to me what
8 you mean?

9 A He would, he would suggest -- let me, maybe
10 that's not the right word, maybe "suggestion" isn't
11 the right word. He would ask questions to get a
12 deeper understanding of the work that we were doing.
13 Because he was providing support to me, so he would
14 ask questions to get a deeper understanding. And I
15 would sometimes problem solve with him, right. So if
16 I -- a good example would be we had a lot on our
17 plates right now, this was a common -- common
18 conversation, right, we had a lot on our plates right
19 now. I was always seeking more resources, more staff.
20 And, you know, he might ask questions about how we
21 were managing the caseload and things like that. And
22 he would make suggestions about that, but not
23 necessarily get into the details. And when I say "not
24 necessarily", I should clarify. He did not get into
25 the details insofar as how we conducted the

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1 investigations, right. He never said you should ask
2 these questions or you should review this evidence,
3 right, because that was not his area of expertise.

4 Q Can you explain to me how Title IX
5 investigations typically were initiated in 2018 as
6 well as processed and how they concluded, what the
7 process was from start to end?

8 A Yeah. So the institution had more than one
9 policy addressing processes for different items at
10 this time. What I mean by that is, depending on the
11 identity of the respondent, the process might look a
12 little bit different. So if the respondent was a
13 student, that's one process. If the respondent was
14 faculty or staff, there was a different process. But
15 for either process, right, reports came to the office
16 in a variety of ways.

17 At the time, my recollection is that all
18 employees at the university were what we called
19 "responsible employees", language from the Department
20 of Education. And responsible employees had an
21 obligation to report to the office of the Title IX
22 coordinator any known instances of or any suspected
23 instances of sexual misconduct. And so reports would
24 come from faculty, reports would come from staff.
25 Reports would come sometimes directly from the person

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1 who experienced the sexual misconduct. Sometimes
2 reports would come from friends or parents of the
3 folks who experienced the sexual misconduct.

4 Once a report was received by the office of
5 Title IX coordinator, we would initiate a response,
6 which included reaching out to the power of attorney
7 who allegedly had the experience, providing them with
8 information or reaching out to them. We'd invite them
9 to meet with us. If they agreed to meet with us, we
10 would meet with them. If they declined, we would send
11 them information about their rights and options for
12 support and for reporting their experience more
13 formally to the university.

14 If we met with them, if they chose to meet
15 with us, we would do the same. That initial meeting
16 would be primarily focused on making sure that the
17 person understood his, her or their rights to be
18 supported by the institution, and their rights for
19 reporting their experience formally, either to the
20 institution to initiate an administrative
21 investigation to determine whether or not a violation
22 of whatever policies had been committed, and the right
23 and option to report it to law enforcement. And those
24 were not mutually exclusive. They were -- it was made
25 clear to them that they could do one or the other or

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1 neither or both. And that was the initial meeting.

2 If folks chose not to make a formal report
3 to the institution, they were still entitled to
4 support. Support could include things like academic
5 accommodation or residential accommodation. Support
6 could also include things like referrals to resources
7 inside and outside of the university, like advocacy
8 resources, counseling, medical, et cetera. And then
9 if folks chose to make a report or were interested in
10 making a more formal report, then we would walk
11 through the applicable policy, describe for them the
12 policy for making a formal complaint. I think we
13 called them a formal report back then, but I don't
14 remember exactly. And then they would decide do they
15 want to proceed with initiating that administrative
16 investigation that would be aimed at determining
17 whether or not a policy violation occurred.

18 If they chose not to make a formal report,
19 our office would do an assessment as to whether or not
20 we could honor their request to take a more formal
21 action, and we'd document our reasoning. If we
22 decided that we couldn't honor that request, we didn't
23 initiate an investigation, but there were times where
24 we did initiate investigations irrespective of the
25 complainant's wishes. And those situations occurred

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1 not frequently but when and where there was a greater
2 concern for the safety of the larger community.

3 If a person chose to initiate a formal
4 complaint and initiate that administrative
5 investigative process, then a notice of investigation
6 or allegation was generally drafted under the student
7 policy. I honestly don't remember if we did the same
8 under the employee policy. But under the student
9 policy there would be a notice of investigation or
10 allegation drafted. The parties would be advised that
11 an investigation was being conducted. The
12 investigation would be conducted, and under the
13 student process there would then be a hearing.

14 The employee process was different. So if
15 the accused was an employee, there was different --
16 when the accused was UUP or unionized, and there was
17 two unions, maybe three, and we had to follow some of
18 those rules, and I don't remember what they are. If
19 they were an employee at will, it was a different
20 process as well.

21 Q Okay.

22 MR. CASTIGLIONE: I am showing you, and
23 David, I didn't mark this as an exhibit, I will.
24 But I just wanted to generally show this to her
25 for a minute.

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1 Q Do you recognize this document? It's
2 identified as Sexual Violence Response Policy,
3 effective October 5, 2015, University at Albany.

4 MR. WHITE: Joe, just for the sake of
5 clarity, can we just say that this is my Fifth
6 Supplemental Rule 26 disclosure, beginning at
7 Bates number, what is it, 20603, and I think it
8 goes to 20625.

9 MR. CASTIGLIONE: It goes to 20625. Yes, we
10 could stipulate to that.

11 MR. WHITE: Great.

12 Q Ms. Botticelli, is this the, does this
13 document outline the policy and procedures that your
14 office would file, or excuse me, follow if you
15 received a complaint of sexual misconduct or sexual
16 violence concerning a student?

17 A Yes.

18 Q If the conduct was alleged by a faculty
19 member or professor against a student, would you still
20 follow some of these protocols when you were doing a
21 Title IX investigation?

22 (Witness perusing documents)

23 A I think so.

24 Q So let me, I can clarify. I believe you
25 said if the accused or the respondent was a faculty

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1 member or professor certain, you know, they might be
2 entitled or there might be certain other protocol to
3 be followed based on, you know, union agreements or
4 whatnot. But if there was an allegation by or against
5 a faculty member engaging in allegedly sexual
6 misconduct or inappropriate conduct against a student,
7 you could still initiate a Title IX investigation,
8 then you would follow somewhat this protocol in doing
9 your Title IX investigation?

10 A State your question, I feel like you asked
11 me one question and then you asked me a different
12 question, and maybe that's just my confusion.

13 Q That's all right. I believe you had said if
14 there's an allegation against a faculty member or a
15 professor for undertaking sexual misconduct, they
16 would follow generally the protocol if that employee
17 or faculty member was a part of a union; is that fair
18 to say?

19 A Yeah. There was different, I think there
20 were different procedures for the resolution of the
21 matter, yup.

22 Q But if there was a, same type of situation,
23 a professor or a faculty member accused of sexual
24 misconduct against a student, you could initiate a
25 Title IX investigation and then pursue some of the

Chantelle Botticelli

1 process established in this document, the Sexual
2 Violence Response Policy?

3 A That is my recollection.

4 Q Okay. Do you recall, was this policy I'm
5 showing you, the Sexual Violence Response Policy
6 effective October 5, 2015, in effect at the university
7 for 2018?

8 A I don't remember.

9 Q Okay. Are you familiar with or do you
10 recall the document identified as Agreement Between
11 the State of New York and United University
12 Professions that was in place in 2018?

13 A No.

14 Q Do you recall, were you ever involved in
15 disciplinary investigations in your role as the Title
16 IX coordinator or vice president, or excuse me,
17 associate vice president of equity and compliance in
18 2018 disciplinary investigations under any union
19 related bargaining agreements?

20 A I think the answer to that is yes, but as
21 support, not as -- not investigations.

22 Q So more as to provide assistance possibly
23 but not in conducting the investigation?

24 A The HR -- the HR specialists would lead
25 those investigations. And, depending on the nature of

Chantelle Botticelli

1 the allegations, once it went through the UUP
2 disciplinary process or when it entered the UUP
3 disciplinary process, then my role was limited.

4 Q So you just mentioned the UUP disciplinary
5 process. Are you referring to a collective bargaining
6 agreement process laid out as to certain faculty and
7 professors at SUNY?

8 A Yes.

9 Q So if I refer to the UUP process generally,
10 you'll understand what I'm referring to?

11 A I'll understand that it is a process that
12 was used, but I was not, I was not overly familiar
13 with the details of that process.

14 Q Understood. You'll understand it refers to
15 a process but you don't understand the minutiae or the
16 actual procedures involved in that process; is that
17 fair to say?

18 A That's correct.

19 Q Okay.

20 During your time at SUNY Albany in 2018,
21 were you ever involved in a non-renewal process of
22 faculty or professors that was provided for under UUP
23 processes?

24 A Yes.

25 Q I'm sorry, are you saying yes?

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1 A Yes.

2 Q Okay.

3 A Actually, I'm going to withdraw that. Can
4 you help me understand your question, when you say
5 involved in, what do you mean?

6 Q Sure. Were you providing any input or
7 making the decisions regarding possibly non-renewal of
8 a faculty member or professor under the UUP process in
9 2018?

10 A So I definitely provided input, but I didn't
11 -- I was not a decision maker.

12 Q Okay. Were you, in your role as associate
13 vice president of equity and compliance, was that
14 something you regularly participated in in providing
15 input in non-renewal process of faculty or professors
16 that were following the UUP process for non-renewal?

17 A Only if those faculty -- only if the faculty
18 member had been accused of some form of discriminatory
19 conduct, and particularly sexual harassment.

20 Q Okay.

21 A So an allegation against a faculty member,
22 any form of sexual misconduct or discriminatory
23 behavior, I, I -- my office would have, right, at
24 least done an initial assessment of the allegations,
25 may have also done an investigation. And then we

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1 would advise HR as to the findings of our
2 investigation. And sometimes we were asked to make
3 recommendations for next steps, right. And those
4 recommendations would include things, do you think the
5 folks involved would participate in the UUP
6 disciplinary process in arbitration, right. So
7 recommended -- recommendations weren't just about what
8 do we do with this employee or what do we do about
9 this employee. It was what are the next steps in
10 moving forward, based on your understanding of the
11 willingness of folks to participate and the evidence
12 that you've gathered and/or reviewed.

13 Q But is it fair to say ultimately it was
14 human resources that would make a determination about
15 how to deal with the employee at the end of any such
16 investigation?

17 A Yes.

18 Q If I can refer you to what was previously
19 marked as Plaintiff's Exhibit A-2.

20 Now I'm going to be asking you questions
21 about concerning Dr. Kamiar Alaei. I'm showing you
22 what's been identified as Plaintiffs' Exhibit A-2.
23 It's a letter from the university to Dr. Alaei dated
24 February 8, 2018. It says in part, "this letter is to
25 advise you that you are hereby directed to perform an

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1 alternative assignment in an alternative work
2 location." It says, "the action is being taken
3 pursuant to the authority granted under Section
4 19.10.C of the agreement between the State of New York
5 and the United University Professions." It then goes
6 on to say, "I'm the president's designee and I am
7 conducting a disciplinary investigation."

8 Do you recall a time where the university
9 initiated a disciplinary investigation against Dr.
10 Kamiar Alaei?

11 A Yes.

12 Q Do you recall, this letter is dated February
13 8, 2018. Is that consistent with your recollection
14 about when the investigation concerning Dr. Alaei
15 started?

16 A I don't recall this particular letter. I
17 recall that he was placed on alternative assignment.
18 And I also recall -- I don't -- I don't recall when
19 the investigation began. And I don't recall the
20 investigation conducted by at the time my office and
21 HR.

22 Q Let me show you a couple more documents
23 here. I'm going to refer you to what's been
24 identified as Plaintiff's Exhibit E-1.

25 I'm showing you what's been identified as

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1 Plaintiff's Exhibit E-1, and I'm going to scroll
2 through it slowly so you can take a look at it and see
3 if you recognize it.

4 MR. WHITE: And Joe, just as we've done for
5 the past depositions in this case, I'd just like
6 to note for the record that these documents that
7 are marked "confidential and attorneys' eyes
8 only" are being disclosed and shown pursuant to
9 the two protective orders that we have in place.

10 MR. CASTIGLIONE: Correct.

11 MR. WHITE: Thank you.

12 (Witness perusing documents)

13 A Okay.

14 Q I'm just going to scroll a little quicker
15 through here now. As I'm going through, do you recall
16 this document or have any understanding of what this
17 document is?

18 A Yeah. That's the investigative report
19 generated by my office summarizing the evidence
20 gathered during the investigation and allegations
21 against Dr. Alaei, Kamiar Alaei.

22 Q I'm going to scroll up here to the
23 beginning. This first paragraph states in part, "the
24 following report details the University at Albany's
25 coordinated response to a report received on February

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1 2nd, 2018 from Dr. James Stellar. Specifically, the
2 report alleges that several students reported to him
3 that Dr. Arash Alaei has been interacting with
4 students in violation of a stipulation of settlement
5 entered into by and between Dr. Arash Alaei and the
6 university on September 18, 2017. This report
7 initiated an inquiry which resulted in a joint
8 investigation by the Office of Equity and Compliance
9 and the Office of Human Resources Management. The
10 investigation focused on the following possible
11 violations of the University at Albany policies by Dr.
12 Kamiar Alaei." And then it identifies three distinct
13 issues with Roman numerals I, II and III.

14 A Yes.

15 Q As to the first sentence it states, you
16 know, in part, "it was a coordinated response to a
17 report received on February 2nd from Dr. James
18 Stellar." Do you recall what that is referring to?

19 A Yeah. Dr. Stellar reached out to our office
20 and indicated that a number of students had approached
21 him with concerns about Dr. Arash Alaei's ongoing
22 interaction with them, and his ongoing engagement in
23 the business, the daily business of the GIHHR.

24 Q Do you know why Dr. Stellar reached out to
25 Title IX about that issue?

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1 A He was required to under university policy.

2 Q Why was he required under university policy?

3 A Because students were raising concerns that
4 triggered, right, the -- the institution's sexual
5 misconduct policy, and all employees were mandatory
6 reporters to the Title IX office if such concerns were
7 raised as that.

8 Q Okay. Then Roman numeral I says,
9 "insubordination and general misconduct for permitting
10 Dr. Arash Alaei to conduct business on behalf of the
11 GIHHR after his separation from the University at
12 Albany." Is it fair to say that was the -- strike
13 that.

14 The second Roman numeral, Roman numeral II
15 then says, "insubordination and general misconduct for
16 facilitating contact between Dr. Arash Alaei and GIHHR
17 staff and students during Arash Alaei's alternative
18 assignment and after his separation from the
19 university at Albany."

20 Is it fair to say those two grounds
21 identified on this document at Roman numerals I and
22 Roman numeral II were the issues that were raised with
23 Dr. Stellar and that Dr. Stellar reached out to your
24 office on February 2nd, 2018?

25 A Those were definitely two of the things that

Chantelle Botticelli

1 Dr. Stellar raised. I should say those were
2 definitely two concerns that Dr. Stellar relayed based
3 on his interactions with the students.

4 Q Okay. The third Roman numeral, Roman
5 numeral III says, "a violation of the University at
6 Albany's sexual harassment policy for engaging in
7 unwelcome conduct of a sexual nature directed at GIHHR
8 student intern [blank] that created a sexually hostile
9 environment for working and learning."

10 That Roman numeral III allegation, did Dr.
11 Stellar raise that with your office?

12 A I don't recall.

13 Q Do you recall how that allegation was raised
14 to be included as part of this investigation?

15 A I don't recall when it first came to my
16 attention, but I do recall that the complainant, the
17 student asserting that she had experienced this
18 conduct, came directly to us and participated in an
19 investigative interview and provided information.

20 Q Did she come directly to you as a result of
21 you contacting her to investigate Roman numerals I and
22 II?

23 A I don't recall.

24 MR. CASTIGLIONE: I think we can, David, if
25 you agree, we previously discussed, we stipulated

Chantelle Botticelli

1 that this Roman numeral III included just one
2 person, Leah Diedrich.

3 MR. WHITE: Yes.

4 Q Do you recall, Ms. Botticelli, were there
5 other interns that you came across or other students
6 at the time that raised similar allegations or
7 concerns that served as the basis to initiate this
8 investigation?

9 A The students raised a lot of concerns about
10 Dr. Alaei, but I don't recall any of them rising to
11 the level of a potential sexual harassment policy
12 violation.

13 Q Okay. And if I can refer you now to --
14 actually, before I do that, so just to be clear, this
15 is a document that your office created, this was the
16 final report resulting from the investigation by your
17 office concerning Dr. Kamiar Alaei in 2018?

18 A Yes.

19 Q And I'm just going to go down to the end
20 here. Was there a formal conclusion ever written out
21 as part of this report as far as you recall?

22 A No.

23 Q Did you ever make a formal conclusion,
24 either verbally or by an opinion that you shared with
25 others, about the results of your investigation

Chantelle Botticelli

1 concerning Dr. Alaei concerning Roman numerals I, II
2 and III?

3 A Can you help me understand what you mean by
4 "formal conclusion"?

5 Q Sure. You undertook an investigation
6 concerning Dr. Alaei into these three issues, Roman
7 numeral I, Roman numeral II and Roman numeral III as
8 shown on page one of Plaintiffs' Exhibit B-1. And did
9 you ever, did your office ever formulate a formal
10 conclusion as to the issues you were investigating
11 here, Roman numeral I, Roman numeral II and Roman
12 numeral III?

13 A I'm trying to think, and I honestly don't
14 recall the answer to that question.

15 Q That's fine. I'm --

16 A I know that we discussed the evidence that
17 we collected. And by evidence I mean the documents
18 and the investigation -- the 40 something
19 investigative interviews that we did. We discussed
20 our, our -- what's the word I'm looking for -- our
21 assessment of the credibility and reliability of the
22 allegations. I know we did that.

23 Q And what was your assessment of the
24 credibility and reliability of the allegations?

25 A That they were credible and reliable.

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1 Q Excuse me?

2 A That they were -- that the allegations being
3 made by the students were supported by the evidence.

4 Q So you're saying your conclusion was the
5 allegations were true in terms of alleged actions that
6 they claimed Dr. Alaei engaged in?

7 A I didn't say true. I said that they were
8 credible, reliable and supported by the evidence, such
9 that it would support a finding that there was a
10 violation of these policies.

11 Q If I can refer you to Claimant's Exhibit
12 A-7, or excuse me, Plaintiff's Exhibit A-7.
13 Plaintiff's Exhibit A-7 is a counseling memorandum
14 prepared by the university, the human resources
15 office, for Dr. Kamiar Alaei. It's dated August 9 of
16 2018.

17 Is it accurate that you were no longer
18 employed at the university as of August 9, 2018?

19 A That is correct.

20 Q Okay. This counseling memo, Plaintiff's
21 Exhibit A-7 says in part, "In early February 2018 it
22 was reported to the University of Albany's Office of
23 Equity and Compliance that a student involved in and
24 working for the Global Institute for Health and Human
25 Rights alleged that you engaged in unwelcome conduct

Chantelle Botticelli

1 of a sexual nature while at a conference in Beirut in
2 January 2018. In response to that report, OEC and the
3 Office of Human Resources initiated an investigation,
4 and you were placed on alternate assignment beginning
5 February 8, 2018. The specific allegations were that
6 you stared at the student in an intense and 'creepy'
7 manner; you repeatedly put your arm around her
8 shoulder; you told her that her fiance is a 'really
9 lucky guy'; you told her that she should let you read
10 her palm; you commented on the student's hair, eye
11 color and jewelry; and you repeatedly attempted to buy
12 her alcoholic beverages despite her repeatedly
13 declining the offer. The student stated that your
14 behavior made her feel very uncomfortable."

15 Is it fair to say those were the allegations
16 raised by Ms. Diedrich with your office concerning the
17 basis for Roman numeral III in your report that we
18 previously looked at in Plaintiff's Exhibit E-1?

19 A Those were her allegations with respect to
20 her experience while in Beirut with Dr. Alaei.

21 Q Okay. You had said "students" I believe
22 before. Was there another student complainant or
23 student who had made statements regarding Dr. Alaei
24 that rose to the level of concern about sexual
25 misconduct?

Chantelle Botticelli

1 A No.

2 Q "No", is that what you said?

3 A Not, yeah, not to this level, no.

4 Q Okay.

5 A Students raised other concerns about Dr.
6 Alaei.

7 Q Right.

8 A Related to Roman numerals I and II.

9 Q Correct. And I'll get to that.

10 A Okay.

11 Q And so did you ever look into the female
12 student's conduct, Ms. Diedrich, in Beirut in 2018 and
13 whether her conduct possibly constituted sexual
14 misconduct against Dr. Alaei?

15 A There was another witness that was present
16 and engaged with both of them and observed their
17 interactions while in Beirut. So yes.

18 Q So you looked at whether the student's
19 actions constituted sexual misconduct against Dr.
20 Alaei?

21 A That the facts surrounding the interactions
22 between Dr. Alaei and Ms. Diedrich while they were in
23 Beirut.

24 Q I believe you said there was another student
25 on the trip. Are you referring to somebody, she

Chantelle Botticelli

1 wasn't a student, but Leah Gray, or Elizabeth Gray,
2 I'm sorry?

3 A Yeah, I'm referring to Elizabeth Gray.

4 Q Do you have a recollection of what Ms. Gray
5 conveyed to you as part of her investigation
6 concerning what she had observed in Beirut concerning
7 interactions with Dr. Alaei and Ms. Diedrich?

8 A Ms. Gray confirmed the interactions that
9 were described by Leah.

10 Q Do you recall if Ms. Gray confirmed that she
11 witnessed those alleged interactions?

12 A She did.

13 I should clarify. She didn't confirm that
14 she witnessed every single one of them but she said
15 that she confirmed -- or she confirmed that she
16 observed that Dr. Alaei was, I think she said focused,
17 he seemed to be highly focused on both her and Ms. --
18 or her and Leah during the -- I remember the word
19 "focused", right. She said, and she clarified, she
20 said, "for me it wasn't a big deal because we had a
21 longstanding professional relationship and we were
22 colleagues." But when Leah expressed to her how Dr.
23 Dr. Alaei's focus made her uncomfortable, Ms. Grey
24 indicated to me that she understood why, that she saw
25 the behavior and she understood why it made Leah

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1 uncomfortable. Particularly in light of the fact that
2 Leah was an intern and not a colleague of Dr. Alaei's.

3 Q Did Ms. Gray raise in her discussion with
4 you her belief that she thought Dr. Alaei's general
5 personality was just intense in terms of focusing on
6 people?

7 A That sounds familiar.

8 Q Do you recall, did Ms. Diedrich, did she
9 contact Title IX directly or was this just you learned
10 about that as part of doing the investigation in Roman
11 numerals I and II?

12 A I don't remember.

13 Q You don't remember?

14 A No, I'm sorry, I don't remember.

15 Q That's all right.

16 Do you know, did Ms. Diedrich ever contact
17 human resources about the issue?

18 A I don't know the answer to that.

19 Q Do you know, you did have a discussion with
20 her at one point; is that correct?

21 A Yes.

22 Q Do you know, did she contact the police, did
23 she ever convey that to you?

24 A I don't recall.

25 Q Do you recall if she ever filed any written

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1 claim or verbal claim with your office regarding the
2 alleged interactions with Dr. Alaei?

3 A You mean she was reporting as part of the
4 investigation?

5 Q Yes, did she file an official report or
6 official claim of record?

7 A I don't remember that that was an option
8 presented to her at the time. I mean, she was -- she
9 knew that we were conducting an investigation. She
10 also knew that the information that she was sharing
11 would be included in the investigative report and
12 considered as part of the institution's investigation
13 into Dr. Alaei's conduct, alleged conduct at the time.
14 And she was okay with that. She was, she was -- I
15 shouldn't say she was okay with it. She was hesitant,
16 she was concerned, she was nervous, but she agreed to
17 participate in the investigation and to have her
18 account included in our overall investigatory
19 findings.

20 Q Okay.

21 MR. CASTIGLIONE: I'm sorry, I'm just
22 looking for something.

23 THE WITNESS: That's okay. And I've got
24 about ten minutes and I'm going to need a break.

25 MR. CASTIGLIONE: That's fine.

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1 Do you want to take ten minutes, David,
2 we'll come back on at 2:05?

3 MR. WHITE: Yeah, perfect.

4 (Recess taken)

5 MR. CASTIGLIONE: Back on the record.

6 BY MR. CASTIGLIONE:

7 Q When the student, her alleged interactions
8 with Dr. Alaei were raised with you by however means
9 they were raised, did you immediately advise the
10 president of the university or Bruce Szelest?

11 A I mean, I probably advised them close in
12 time to green light the information. I don't know
13 that I immediately, like it's not like -- so an
14 immediate alert would be just somebody was just raped
15 on campus --

16 Q Okay.

17 A -- right, and I'm picking up the phone in
18 the middle of the night and making the call, right. I
19 don't remember when I learned about these, these
20 allegations. I don't remember if it came to me after
21 hours, I don't remember if it came to me during
22 business hours. Like I said, I don't remember how the
23 allegations came to me, if it was part of the initial
24 report or sometime after. But I definitely would have
25 told Bruce that there were allegations against Dr.

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1 Alaei consisting of violations of our sexual
2 harassment policy, and I would have done that quickly.

3 Q Do you recall conveying that to Mr. Szelest?

4 A I don't.

5 Q Do you recall any response he might have had
6 after you first conveyed it to him?

7 A I don't.

8 Q You don't?

9 A I don't, no.

10 Q There came a time, is it fair to say, where
11 you did advise Bruce Szelest about these allegations?

12 A Absolutely.

13 Q Did Mr. Szelest give you any direction on
14 how to move forward after receiving these allegations?

15 A Not the investigation.

16 Q Did the president give you any direction at
17 any point about how to move forward or deal with these
18 allegations?

19 A I am 99.9 percent sure that he did not
20 directly give me any direction.

21 Q Do you know if the president was giving
22 Bruce information to have Bruce convey it to you
23 regarding this matter?

24 A I'm sorry, I have no idea.

25 Q So Bruce had never said anything to you

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1 during the course of this investigation that he was
2 conveying action or direction on behalf of the
3 president?

4 A I don't remember him saying that.

5 Q What about James Stellar, did he ever give
6 you any direction about how to move forward or deal
7 with the allegations?

8 A No.

9 Q Did you have a lot of interactions with
10 James Stellar on this issue over time?

11 A No, I don't believe I did.

12 Q Is it fair to say the investigation at issue
13 here regarding Dr. Kamiar Alaei starting in February
14 2018 was a collaborative investigation with human
15 resources and Title IX?

16 A Yeah. I mean, it was a collaborative
17 investigation in that we -- they participated in some
18 of the investigative interviews. We collaborated on
19 the investigative strategy, like who were we going to
20 interview first or who we were going to interview or
21 not interview, what evidence we were going to collect.
22 We discussed the evidence. But the bulk of the
23 evidence collection, including investigative
24 interviews, was conducted by my office really because
25 we had the capacity, right. So it was a, it was -- a

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1 lot of the distribution of work in this matter came
2 down to capacity and skill. So we were the more
3 skilled investigators. I mean, we were the
4 investigators with the most capacity. And so we --
5 that is the reason why we did the bulk of the evidence
6 collection.

7 Q Okay. Is it fair to say that HR, however,
8 made the final decision at the end of the
9 investigation about how to move forward and
10 determining whether there was appropriate action to be
11 taken against Dr. Alaei based on the allegations?

12 A Yes.

13 Q In working with human resources, was it
14 Randy Stark and Brian Selchick you primarily worked
15 with at human resources?

16 A Yes.

17 Q Who else at Title IX was involved in the
18 investigation?

19 A My entire staff were the case managers. So
20 Tricia George was the deputy Title IX coordinator, I
21 think that was her title at the time. Abby DeI Giacco
22 was an investigator and Lisa Recore was an
23 investigator. And I think all of them did -- they all
24 participated in the investigation. I don't remember
25 if they all did investigative interviews, although I

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1 think each of them did. They definitely helped with
2 evidence collection and, and, you know, organization,
3 right, it's important to be organized. So they helped
4 with that.

5 Q Okay. In your role as associate vice
6 president or otherwise as Title IX coordinator during
7 your time with the university, had you been involved
8 in sexual misconduct allegations for an investigation
9 before the one concerning Dr. Kamiar Alaei?

10 A Oh, yeah.

11 Q I'm sorry, I didn't understand that.

12 A Yes.

13 Q Okay. How many other investigations
14 involving faculty had you been involved with in the
15 past while at the university?

16 A I didn't hear you.

17 Q Sure.

18 A Involved with faculty? So we did many,
19 many, many sexual misconduct investigations generally.
20 Involving faculty, I'm just thinking. So I worked
21 with so many institutions over the years that it's
22 blurring, so I just want to try to be as accurate as
23 possible. At UAlbany there's more than just this one.
24 I can't give you a number. I can't give you a number.
25 There's at least three that stand out to me. But I'm

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1 sure there was more. I shouldn't say I'm sure there
2 was more. I think there was more. But I don't know
3 how many. There was some prior to that, though.

4 Q For the prior instances where you were
5 investigating sexual misconduct allegations concerning
6 a faculty member, was it typical to have the same
7 dedication of employee resources on investigating it
8 as you did for Dr. Kamiar Alaei?

9 A It depended on the allegations. So it was
10 not atypical, but we didn't do this for every -- we
11 didn't -- we didn't do -- we didn't move as quickly
12 and allocate as many resources in every matter as we
13 did here.

14 Q Okay. So this was -- strike that. Go
15 ahead.

16 A There were others that we did put, you know,
17 higher priority on. And both here and absolutely when
18 I've been working at other institutions.

19 Q In terms of your time at the university in
20 your capacity as working with Title IX issues, was
21 this investigation more time consuming and used more
22 resources than other investigations you had dealt with
23 while there?

24 A No, I wouldn't say that it was. You're
25 saying more -- can you clarify that?

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1 Q In other words, sure, sure. Compared to
2 other investigations did you dedicate more employee
3 resources in terms of you had two or three other
4 people working with you, you were working in concert
5 with human resources, you know, the amount of time and
6 the pace of investigating this matter as compared to
7 others, was this more of an involved -- strike that.

8 was this more involved compared to the other
9 investigations you had worked on while at SUNY?

10 A It was certainly one of the more involved
11 investigations given all of the allegations and all of
12 the folks who wanted to express -- all of the students
13 and employees and community members who came forward
14 wanting to understand or share their experience, so
15 wanting to understand what was going on or sharing
16 their own experiences with Dr. Alaei, with both Drs.
17 Alaei, but in this particular case we were focused on
18 Dr. Kamiar Alaei.

19 Q Were you involved or was your office, Title
20 IX office involved in creating the terms of the
21 alternative assignment for Dr. Kamiar Alaei?

22 A No.

23 Q Were you involved with or provided input
24 into how Dr. Kamiar Alaei's alternative assignment was
25 communicated to university students and staff?

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1 A Involved in how that was communicated. Yes,
2 yeah.

3 Q Was that typical when there was a faculty
4 member going on alternative assignment that you or
5 your office would be involved in that type of matter
6 communicating it to students and staff?

7 A Yeah, usually and, and -- yes. Yes.

8 Q What about in terms of communicating Dr.
9 Alaei's alternative assignment to a third party,
10 meaning not students, not university personnel,
11 people, you know, outside of the university, were you
12 involved or provided input into that communication?

13 A I don't believe so.

14 Q Was a no contact order under the
15 university's Sexual Violence Response Policy ever
16 considered for Dr. Alaei?

17 A I don't recall.

18 Q So you don't recall if there was any
19 discussions on issuing the no contact order versus
20 doing an alternative assignment?

21 A Well, I mean -- no, I don't recall.

22 Q Do you recall other investigations
23 concerning sexual misconduct allegations involving
24 SUNY faculty or professors where they were not put on
25 alternative assignment but a no contact order was

Chantelle Botticelli

1 issued?

2 A Sure I do.

3 Q Okay. Do you recall, can you explain to me
4 those instances that you recall?

5 A Those instances involved might be a
6 complaint by one student against a particular faculty
7 member. And so a no contact directive between those
8 two individuals would have been effective,
9 particularly if the student didn't have an ongoing
10 need to be in the same academic space as the faculty
11 respondent.

12 Q Okay. Do you have any recollection or
13 understanding of why a no contact order was not issued
14 here versus an alternative assignment for Dr. Kamiar
15 Alaei?

16 A Because the majority of the students that
17 worked in the institute were complaining about their
18 interactions with Dr. Alaei. And so a no contact
19 order would have made it such that he couldn't have
20 worked there anyway if the students were to be able to
21 continue to access their educational program and
22 activity in the GIHHR.

23 Q When you say the majority of the students
24 were raising complaints concerning Dr. Alaei, can you
25 explain to me the nature of the complaints that these

Chantelle Botticelli

1 students were allegedly raising?

2 A Sure. The complaints, they spanned, right,
3 a spectrum. Students were raising concerns about Dr.
4 Alaei's general way of interacting with them over --
5 and these are not their words, but the general sense
6 was overfamiliarity. Some students described behavior
7 that was creepy. They were highly concerned that Dr.
8 Alaei, Dr. Arash Alaei -- I'm going to use their first
9 names to distinguish.

10 Q Sure.

11 A These were concerns that Kamiar was
12 directing either them or their peers to continue to
13 engage with Arash. Students were very upset about
14 that because they felt as if the university had put
15 them in danger, particularly Dr. -- and Kamiar had put
16 them in danger by continuing to -- and this was their
17 feelings, right --

18 Q Sure.

19 A -- this is what they were feeling. They
20 were putting them in danger or putting them in a
21 vulnerable situation but continuing to require them,
22 Kamiar continuing to require them to engage with
23 Arash. And so those were concerns that were raised by
24 students.

25 Students also raised concerns about how work

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1 was, how work was -- the assignments that were, that
2 they were given by Kamiar, promises that they were
3 made about salary and -- salary and credits that they
4 would receive that were then broken. Unreasonable
5 expectations about the number of hours they worked.
6 For example, I remember one student reporting that
7 Kamiar had indicated to them that they couldn't take
8 sick leave even if they were sick. And then if they
9 did things, students also raised concerns about
10 retaliatory conduct by the brothers. And that was the
11 big concern across the board, because this is a thrust
12 that, that Kamiar and Arash were well-respected,
13 well-known in the field that these students were
14 trying to eventually find careers in, and they were
15 concerned that anything that they did, any complaints
16 that they raised would impact their ability to be
17 successful in their careers.

18 Q Let me ask you about Arash Alaei. Were you
19 involved in investigating Arash Alaei concerning
20 sexual misconduct allegations at the university in
21 2017?

22 A I was.

23 Q Dr. Arash Alaei, if I can refer you to
24 claimant's, or excuse me, Plaintiff's Exhibit G-2. As
25 part of your investigation concerning the Roman

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1 numerals I and II that were identified in your Title
2 IX report, which was I believe Plaintiff's Exhibit
3 E-1, did you ever inquire whether anybody at SUNY
4 Albany directed Dr. Kamiar Alaei not to have Arash
5 Alaei interact with GIHR students or staff at any
6 time in 2017 or 2018 after Arash Alaei separated from
7 the university?

8 A Yeah, I asked the question, "did anybody
9 explicitly tell Kamiar that."

10 Q Okay. What was the answer provided?

11 A There was no -- there was no -- no one that
12 could say "I did". I mean, that's the only way to
13 answer it, right.

14 Q Do you recall who you asked?

15 A Bruce, Randy.

16 Q So Bruce Szelest, Randy Stark?

17 A I think that's it.

18 Q Did you ever talk to Dr. Harvey Charles
19 about it?

20 A You know, I don't remember any interactions
21 with Dr. Charles. I know that there definitely was
22 some, but I don't -- I could walk into Dr. Harvey
23 Charles today and I'd have no idea who he is.

24 Q So it's fair to say during the investigation
25 you didn't have much if any interaction with

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1 Dr. Harvey Charles involving the investigation
2 concerning Dr. Kamiar Alaei?

3 A I honestly don't remember. And it, it
4 wasn't, like you said, it wasn't much. If there was
5 any, maybe I -- maybe we spoke to him. I know that he
6 was part of a conversation with the students when they
7 were -- when they were demanding that we give them an
8 explanation as to why Arash was still participating
9 and Kamiar was forcing them to participate with Arash
10 or requiring them to participate with Arash.

11 Q Okay. If I can refer you to what was
12 previously identified as Plaintiff's Exhibit G-2,
13 which is a response by the defendants in this
14 litigation to certain document demands. Number three,
15 excuse me, number one, asks for "copies of documents
16 relating to alternative assignment given to Arash
17 Alaei in or about 2017-2018, including copies of any
18 directives, guidance or protocols provided by SUNYA to
19 SUNY personnel about the terms of Arash Alaei's
20 alternative assignment, including whether he was able
21 to be in contact with interns or other individuals
22 working at SUNYA such as GIHHR staff and GIHHR
23 employees, including any such guidance, directive, or
24 protocols provided to Dr. Kamiar Alaei or Dr. Harvey
25 Charles or SUNY human resource personnel."

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1 ultimately the defendants, you know, raised
2 objections, but provided certain documents, Bates
3 stamped number 20593. 20593 is several documents,
4 including the alternate assignment letter, dated
5 February 10, 2017, to Dr. Arash Alaei. It identifies,
6 "You are further expressly prohibited from having any
7 verbal, written or electronic communication with any
8 current or former students or employees except as
9 approved in writing by Dr. Charles." And then the
10 document was sent to Dr. Charles as a C recipient.

11 Do you recall seeing this document either
12 during your investigation of Arash Alaei or during
13 your investigation of Kamiar Alaei about Arash Alaei
14 having contact with students or GIHHR staff or
15 personnel?

16 A I don't recall seeing this document. But
17 it -- I don't recall. So I'm not saying I didn't, I
18 just don't recall.

19 Q Do you recall having any discussions with HR
20 personnel, such as Randy Stark, about whether or not
21 they have any record about if Arash Alaei was able to
22 communicate with students or employees during his
23 alternative assignment if he received approval from
24 Dr. Charles?

25 A No, I don't recall.

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1 Q Do you recall having discussions with HR
2 personnel, such as Randy Stark or Brian Selchick,
3 regarding whether this alternative assignment document
4 was ever shared with Kamiar Alaei and whether he was
5 given a copy of this?

6 A My recollection is that when Dr. -- when
7 Arash was placed on leave, on alternate assignment,
8 former HR representative Kathy Tretheway was involved.
9 And I, I think that Kamiar was present when Arash was
10 told he was being placed on alternative assignment.

11 Q So do you know what was said when Arash was
12 told, as you just conveyed, and Kamiar was present?

13 A No. I wasn't, I wasn't in that
14 conversation.

15 Q Okay.

16 A So I don't know exactly what was said. But
17 I do know there was a conversation when Arash was
18 placed on alternative assignment. I believe Kathy
19 Tretheway facilitated that conversation or was a part
20 of that conversation. And my recollection is that
21 Kamiar was present for that conversation with Arash.
22 That is my recollection.

23 Q Okay. Was that ever raised in your report
24 regarding Dr. Kamiar Alaei as when you were doing the
25 investigation regarding what we had talked about as

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1 Roman numeral I and Roman numeral II?

2 A I think it was. I don't know, I'd have to
3 -- can I look at my report?

4 Q Sure. I'm referring you now to your report,
5 Plaintiff's Exhibit E-1. Is there a specific section
6 you want me to refer you to?

7 A Keep going, I'll tell you when to stop.
8 Past this to the body of the report.

9 Q So keep going down?

10 A Oh, wait, wait, go back up.

11 Oh, no, go back down, I'm sorry. I wish I
12 could scroll it. So let's stay here.

13 Yeah, so Arash Alaei was personally informed
14 of the alternative assignment by human resources
15 personnel Kathy Tretheway. A meeting held at the
16 office of human resource management. The term of the
17 alternate assignments were discussed with AA.
18 Michelle DeOcampo, she reported she was present at
19 meeting. She also reported that Kamiar was present at
20 the meeting. However, subsequent conversations with
21 Ms. Tretheway where the alternative assignment was
22 issued to Arash Alaei in the Office of Human
23 Resources. According to Tretheway, the only folks
24 were herself, Kamiar Alaei and Dr. Charles. So yeah,
25 that's why I remember that.

Chantelle Botticelli

1 Q Do you know if the alternate assignment that
2 was communicated during that meeting included terms
3 about expressly he was not to be in contact with
4 students unless approved by Harvey Charles, do you
5 know if that was communicated verbally?

6 A No. But it was communicated -- I don't know
7 if it was communicated verbally, but it was
8 communicated in that alternative assignment. And my
9 understanding of Ms. Trethaway's practice, having
10 worked with her for several years, is that she would
11 go through that letter and all of the requirements,
12 and say pursuant to this alternative assignment you
13 are required to do this, you're not allowed to do this
14 and this is what this requires, do you have any
15 questions. So that's my understanding of her -- of
16 the way she would have done that. And I'm trying to
17 think back to our conversation about whether or not
18 she confirmed that she did it that way, and I don't
19 remember. But that was her general practice. So she
20 would know.

21 Q Are you aware of whether or not Kamiar Alaei
22 was a supervisor of Arash Alaei in February 2017 or at
23 any point thereafter?

24 A My understanding was that they ran that,
25 that center as co-directors. But I -- that could be

Chantelle Botticelli

1 wrong.

2 Q But would that be, do you know if he was
3 supervisor of Arash Alaei, charged with overseeing his
4 employment obligations?

5 A I don't know.

6 Q Do you know if Dr. Harvey Charles was Arash
7 Alaei's supervisor at the time in 2017?

8 A I think that he was.

9 Q Okay. Do you know who Linda Kryzowski is?

10 A No, I'm sorry. The name sounds familiar,
11 but I don't know who she was.

12 Q So you wouldn't know if she was a supervisor
13 for Arash Alaei at some point in 2016, '17 or '18?

14 A No.

15 Q In terms of the issue about Arash
16 interacting with GIHHR staff and students, after he
17 separated with the university, did you ever review the
18 separation agreement between Arash and the university?

19 A You know, I think I saw it, I think I did
20 see it. But I don't remember what the terms were or
21 what it said.

22 Q If I can show you Claimant's G-3,
23 Plaintiff's Exhibit G-3, excuse me.

24 Plaintiff's Exhibit G-2, scrolling down.

25 okay, I'm referring you to a document included in

Chantelle Botticelli

1 Plaintiff's Exhibit G-2. It's identified as
2 stipulation of settlement between the State University
3 the New York, University at Albany and Arash Alaei.
4 I'm just going to scroll through it so you can take a
5 look. Do you recall as I'm scrolling through this
6 reviewing this document as part of your investigation
7 concerning Kamiar Alaei?

8 A I honestly don't remember.

9 Q Do you recall asking anybody if the terms of
10 Arash Alaei's separation had been communicated to
11 people outside of human resources as part of their job
12 responsibilities going forward once Arash Alaei had
13 separated from the university?

14 A I'm sorry, can you repeat your question?
15 I'm not trying to be difficult, I want to make sure I
16 get it.

17 Q No, that's fine. Do you recall asking
18 questions to anybody about whether or not Arash
19 Alaei's separation and the terms of his separation had
20 been conveyed to anybody at SUNY Albany in terms of
21 Dr. Alaei or Harvey Charles with direction that they
22 not allow him to interact with GIHR staff or students
23 after he separated from Albany?

24 A Yeah, I think there was a question that
25 was -- that I asked, yes.

Chantelle Botticelli

1 Q Do you recall who you asked that question?

2 A Again, it would have been the folks in HR.

3 And it would have been -- it would have -- okay, so it

4 would have been the folks in HR, and definitely Bruce.

5 So I remember asking the question of Bruce, having a

6 conversation about this question with Bruce. I

7 remember having the conversation with Randy and Brian.

8 And I'm trying to recall if I actually also reached

9 out to Kathy Tretheway to ask her, because I, I feel

10 like I would have done that. But I don't know if I --

11 I don't know with -- I don't remember if I did or not.

12 And it might have been based on when she left here and

13 when the separation occurred, she might not have still

14 been here. So I don't remember speaking to Kathy. I

15 just, I wanted to think more closely about whether or

16 not I had.

17 Q That's all right.

18 During your investigation was Kathy

19 Tretheway still working at the University at Albany?

20 A The investigation into Kamiar?

21 Q Yes.

22 A I don't believe that she was.

23 Q Do you recall if she was working somewhere

24 in the area or was she retired?

25 A She worked at SUNY systems.

Chantelle Botticelli

1 Q So SUNY systems, is that the main SUNY?

2 A Yeah. She was in the counseling office.

3 Q Okay. Do you know if she's still there by
4 any chance?

5 A She retired.

6 Q Okay.

7 A I think. I'm quite sure actually. I don't
8 want to say -- I'm quite sure she's retired now.

9 Q Okay. In your experience when doing Title
10 IX investigations and, you know, following up making
11 conclusions and determining whether actions should be
12 taken against accused faculty members, was it normal
13 practice to convey employment related determinations
14 to SUNY staff or other faculty so that they knew what
15 the outcome was and whether or not the person had any
16 restrictions or limitations in their ongoing
17 employment or if they were let go?

18 A That was something that human resources
19 would take care of. That -- that wouldn't be
20 something that I would do. Yeah, I don't, I don't
21 remember doing that.

22 Q Do you recall whether Dr. Kamiar Alaei had
23 his email access removed once he was put on
24 alternative assignment?

25 A I'm quite sure they did.

Chantelle Botticelli

1 Q Do you know why that was done?

2 A I think it was protocol for when an employee
3 was placed on alternative assignment.

4 Q Was that a determination made by the
5 president or Bruce as far as you're aware?

6 A I don't know who made that determination.
7 Like I said, I think it was protocol.

8 Q Did your office at the outset of learning of
9 allegations from the student about sexual misconduct,
10 alleged improper actions, determine that Dr. Kamiar
11 Alaei presented a continuing threat to the health and
12 safety of the community?

13 A Wait, can you say that again, I'm sorry.

14 Q Sure. At the outset of the investigation
15 and when you learned about these statements from the
16 student about alleged sexual misconduct concerning Dr.
17 Alaei, did you determine at that time that Dr. Alaei
18 presented a continuing threat to the health and safety
19 of the community?

20 A I think so, but I'm trying to -- just give
21 me a second to --

22 Q Take your time.

23 A So the allegations that were being made
24 overall, okay, were, were serious. And, like I
25 mentioned earlier, there was a very large spectrum of

Chantelle Botticelli

1 concerns raised by a large number of students. Some,
2 some -- and some former students, a couple of
3 community members, maybe some staff. Some students
4 were also staff so the line was blurred. Student
5 staff had graduated and stayed on as staff, if I
6 remember correctly.

7 So it wasn't just about the allegation of
8 sexual harassment. There was a lot of concern and a
9 lot of students saying I feel unsafe in the GIHHR
10 under Kamiar's supervision, right. And their
11 definition of feeling unsafe varied, right. And my,
12 in my role my primary concern was the health and
13 safety of the students. And we had, like I said, a
14 number of student complaints and concerns being
15 raised. And given the volume of the concerns and the,
16 the content of the concerns, what the students were
17 expressing, I, I do recall making a recommendation
18 that given this, if these allegations are in fact
19 true, this is concerning. And so while the
20 investigation is pending, Kamiar should not have
21 interaction with these students. That was my
22 recommendation. And I guess HR placed him on an
23 alternative assignment.

24 Q Is it fair to say you assumed the truth of
25 the allegations being raised by these various students

Chantelle Botticelli

1 as you're stating?

2 A Absolutely not fair to say at all.

3 Q Okay. Before you made that recommendation
4 did you have any discussion with Dr. Kamiar Alaei to
5 determine his position or his counter story as to
6 those issues?

7 A No.

8 Q why not?

9 A That wasn't our process, right. So the
10 process was always you receive the complaints, you
11 assess the severity of the complaints, and then you
12 make a determination, right, as to what -- as to
13 whether or not the respondent for their own protection
14 and for the protection of the students be separated
15 from engaging with the complainants, right. And
16 again, there was many here. And it wasn't just about
17 the students' safety, it was also about Dr. Alaei's
18 safety. And so our process was to take in the
19 complaint and then to do a thorough investigation.
20 That's why it was an alternative assignment and not an
21 immediate termination. It was an alternative
22 assignment to keep everybody separated and safe while
23 we looked at the allegations more deeply. And this
24 was common at UAlbany to do that, and I think most
25 workplaces.

Chantelle Botticelli

1 Q Before making that determination, though,
2 about whether he presented a continuing threat to the
3 health and safety of the community, were you
4 prohibited from talking with him first before making
5 that decision about, you know, separating for the
6 entire duration of the investigation based on, you
7 know, the preliminary information you had from
8 students?

9 MR. WHITE: Objection to form. You can
10 answer.

11 A Was I prohibited?

12 Q Yeah. So, in other words, was there a
13 reason why you couldn't do that?

14 MR. WHITE: Objection to form. You can
15 answer.

16 A There was no reason that I, I guess couldn't
17 do that.

18 Q Did the president have a similar opinion at
19 the outset that you did about based on the allegations
20 that it was determined that Dr. Kamiar Alaei was a
21 health and safety concern for the community and that
22 he should be removed from the community?

23 MR. WHITE: Objection to form. You can
24 answer.

25 A I don't know what the president's opinion

Chantelle Botticelli

1 was. And I think I mentioned earlier, I don't, I
2 don't recall having a conversation, detailed
3 conversation directly with Dr. Rodriguez about what
4 we're discussing now ever.

5 Q How about Bruce Szelest, did he ever express
6 the opinion to you at the outset of the investigation
7 that he believed Kamiar Alaei presented a health and
8 safety concern to the community and that the best
9 option was to remove Dr. Alaei from campus and have
10 him on alternative assignment?

11 A I don't remember if I talked to Bruce -- I
12 don't remember what Bruce's position was.

13 Q Do you recall the available information that
14 you looked at to determine if immediate remedial
15 action should be taken to have Dr. Kamiar Alaei
16 separated or removed from campus to prevent any
17 interactions with students and staff?

18 MR. WHITE: Objection to form. You can
19 answer.

20 A Do I remember what I looked at before making
21 the recommendation, is that the question?

22 Q Yes. What available information did you
23 seek out and look at to make that determination?

24 A You know what, I'm sorry, but I don't
25 remember. I do know that I spoke with Dr. Stellar,

Chantelle Botticelli

1 who was the initial reporter, and I spoke with
2 students from the GIHR. I spoke to the complainant.
3 Students that were raising the complaints and the
4 concerns. I don't think I spoke to all 40 something
5 of them, but I spoke to a number of them.

6 Q Okay. During the investigation were there
7 discussions by Randy Stark, you and Brian Selchick
8 about seeking to push for non-renewal of Dr. Alaei
9 based on the allegations being raised as reflected in
10 your report, Roman numeral I, Roman numeral II and
11 Roman numeral III?

12 MR. WHITE: Objection to form. You can
13 answer.

14 A Your question is did we talk about seeking
15 to push non-renewal as in -- I don't remember that
16 conversation, I don't remember having that
17 conversation about pushing anybody to not renew.

18 Q What about having any discussions with Randy
19 Stark or Brian Selchick about advocating termination
20 of Dr. Alaei's appointment based upon the allegations
21 in Roman numerals I, II and III from your report?

22 MR. WHITE: Objection to form. You can
23 answer.

24 A We, we certainly discussed the -- we
25 certainly discussed -- there were certainly

Chantelle Botticelli

1 discussions about the allegations that were raised,
2 the evidence that either supported or did not support
3 those allegations, the severity of the allegations,
4 the implication of the allegations for the safety of
5 the students at the GIHR and more broadly safety of
6 the larger university community. And then there was
7 discussion about what to do, and that discussion
8 included the option of not renewing Dr. Alaei.

9 Q Based on the allegations that you were
10 investigating being reflected in Roman numerals I, II
11 and III of your report?

12 A There was no other reason -- there was no
13 other conversation about non-renewing unrelated to
14 anything other than those allegations.

15 Q Okay.

16 A We didn't sit down and say hey, let's just
17 non-renew Dr. Alaei for, for no reason or for some
18 sort of reason unrelated to the three things in the
19 investigative report.

20 Q So the discussions about I guess pursuing
21 non-renewal or looking into the non-renewal of Dr.
22 Alaei based on the three Roman numerals in the report,
23 that was the limitation of issues that would serve as
24 the basis for having discussions about whether to
25 non-renew for his continued employment?

Chantelle Botticelli

1 A Right.

2 Q Okay.

3 Did Bruce Szelest ever convey to you his
4 opinion that SUNY Albany should non-renew Dr. Alaei
5 based on the allegations you were investigating in
6 Roman numerals I, II and III?

7 A I don't -- should non-renew based on the
8 allegations -- Bruce agreeing that non-renewal was a
9 potential remedy for all of the -- all of the
10 allegations that were being made, because the
11 allegations were concerning to all of us, right.
12 There was lots of allegations being made by lots of
13 students who were not only making allegations but
14 demanding that we listen to those allegations, right.
15 And so they weren't just -- we didn't have to like
16 convince students to come in and talk to us. They
17 were so upset about what had occurred in that center,
18 and Dr. -- both Dr. Arash Alaei and Dr. Kamiar Alaei's
19 conduct, they were so upset about it, right, that they
20 were willing to share.

21 Fifty, 40, almost 50 witnesses came forward.
22 That was not common, right. And that was not at our
23 prying or insistence. They were just walking into my
24 office saying "I want to talk to you about what's
25 going on here, we are upset." And so this was very

Chantelle Botticelli

1 concerning to everybody. Because our students did not
2 feel safe, they felt betrayed, they didn't -- they
3 felt a significant distrust for the process. And, and
4 it needed to be addressed. And the allegations that
5 they were making were serious.

6 Q Do you recall at the outset of the
7 investigation attending a meeting with GIHHR staff and
8 students concerning Dr. Arash Alaei and Kamiar Alaei
9 being replaced by two interim directors?

10 A Yes.

11 Q If I can refer you to Claimant's Exhibit
12 C-2, Plaintiff's Exhibit C-2 of Dr. Alaei.

13 Plaintiff's Exhibit C-2 is an email dated
14 February 9, 2018 from Jordan Carleo-Evangelist. It
15 looks like you're a recipient, intended recipient of
16 this email. If you can take a look, it says,
17 "importance, high. Attached, GIHHR meeting talking
18 points."

19 A Okay, I've read it to the bottom. Thank
20 you. Okay.

21 Q Do you recall SUNY personnel having a
22 meeting or convening a meeting with GIHHR staff and
23 students about Dr. Kamiar Alaei and the issue of Arash
24 Alaei communicating with students?

25 A Yes, I remember the meeting, yup.

Chantelle Botticelli

1 Q Okay. This email is referring to talking
2 points. Did you have any input into developing these
3 talking points that are attached to this email?

4 A Yes.

5 Q Did you attend this meeting reflected in
6 Plaintiff's Exhibit C-2 that was held on February 9,
7 2018?

8 A I did.

9 Q You've been talking about students raising a
10 number of complaints and coming forward. Did those,
11 did students raise those types of complaints at this
12 meeting dated February 9, 2018?

13 A They expressed their concerns at this
14 meeting, yeah.

15 Q The concerns you had just been raising about
16 how students, you know, interacting with Arash Alaei,
17 students, you know, not being happy or being afraid of
18 Kamiar Alaei based on how he ran GIHR, were those
19 types of concerns raised at this meeting?

20 A Those types of concerns were raised in
21 advance of the meeting by students individually. And
22 when they came to the meeting, I don't -- I don't
23 remember exactly or like which of the concerns were
24 actually explicitly raised at the meeting, but there
25 was an overall -- the students were raising their

Chantelle Botticelli

1 overall concern and asking for information. To my
2 recollection it was very much how did the -- how did
3 the university let this happen.

4 Q But were concerns, when you say they were
5 raising concerns and how did the university let this
6 happen, can you explain what you are referring to, so
7 in other words, was it concerns about Kamiar Alaei and
8 their interactions with him and how he ran GIHHR?

9 A Yes. They were concerned that, one -- well,
10 no, let me, I want to be -- I remember them being
11 concerned that Arash Alaei was still an active
12 participant in the daily business of the institute,
13 that Kamiar was directing students working at the
14 institute to engage with Arash.

15 Q After his separation; correct?

16 A During his assignment and after his
17 separation.

18 Q Okay.

19 A And I remember that coming up at the
20 meeting. That other concerns might have come up at
21 the meeting, but those are the concerns that I
22 remember. And the students were explicitly asking
23 questions about the investigation and the
24 investigative findings with respect to Arash and what
25 the institution was going to do to address Kamiar's

Chantelle Botticelli

1 putting that -- address what the institution was going
2 to do to address that Kamiar in their opinion had put
3 them in an unsafe position by requiring them to
4 continue to engage with Arash.

5 Q Okay. So there were complaints that Kamiar
6 Alaei put the students in an unsafe position by having
7 them interact with Arash at this meeting?

8 A I think so.

9 Q Were there allegations or complaints raised
10 by Kamiar, you know, you had mentioned not a lot of
11 people have sick time or doing certain work --

12 A Yes.

13 Q -- or changing expectations. Were those
14 raised at this meeting?

15 A I don't, I don't remember. I don't think
16 so, but I don't remember.

17 Q Okay. At this meeting did anyone explain
18 that Kamiar Alaei was Arash Alaei's supervisor in 2018
19 and 2017?

20 A I don't remember.

21 Q Did anyone explain whether Harvey Charles
22 was Arash's supervisor in 2017 and overseeing
23 implementation of his alternate assignment and about
24 whether he can talk to students or not?

25 A I don't remember.

Chantelle Botticelli

1 Q Do you know if during your investigation
2 about Arash Alaei and interacting with students when
3 he was on alternative assignment, did you ever ask
4 Harvey Charles if he had emails between him and Arash
5 where Arash was asking him if he could specifically
6 interact with certain students regarding GIHHR work
7 while on alternative assignment?

8 A You are triggering a memory for me that
9 isn't clear. So I think I asked the question, and I
10 feel like I received a response, but I don't remember
11 what that response was. So if you have something to
12 show me, that --

13 Q I will get to that at some point and I will
14 ask you. So I just didn't have it here right now, but
15 I will get that after I assume our next break.

16 A Another hour.

17 Q Okay, if I can refer you to Plaintiff's
18 Exhibit F-1 and F-2. Plaintiff's Exhibit F-1 --

19 A I remember this.

20 Q Okay. Can you identify to me or explain to
21 me what your understanding of Plaintiff's Exhibit F-1
22 is?

23 A A letter from the students, a letter
24 collectively from students in the GIHHR. There was
25 several signatories, I don't remember how many, but a

Chantelle Botticelli

1 lot, raising concerns about the university's handling
2 of the GIHHR issue, the institute.

3 Q Now, I want to go through this with you. Do
4 you recall, was this letter issued after the meeting
5 on February 9, 2018?

6 A I don't remember. I don't remember.

7 Q Okay. So I'm just going to, I'm going to go
8 through this slowly. Do you recall if this letter
9 reflects the same issues raised at the meeting on
10 February 9, 2018, or if it raised limited issues or
11 more issues than what was raised during that meeting?

12 A This is the gist of what was raised at the
13 meeting.

14 Q So this letter, Plaintiff's Exhibit F-1,
15 encompasses or reflects the gist of what students and
16 staff had raised at the meeting on February 9, 2018
17 regarding their concerns with GIHHR, Arash Alaei and
18 Kamiar Alaei?

19 A Yeah.

20 Q I'm sorry, was that a "yes"? I didn't
21 understand that.

22 A Yes. Yes.

23 Q Okay. I'm going to show you now what's been
24 identified as Plaintiff's Exhibit F-2. And I'll
25 scroll through this and if you can see if you

Chantelle Botticelli

1 recognize this.

2 A I've never seen this document.

3 Q No?

4 A No.

5 Q So you don't know what this document is; is
6 that fair to say?

7 A Yeah, I don't, I don't know what this
8 document is.

9 Q Okay.

10 A David showed this to me already and I looked
11 at it and I don't know what this is. I don't know
12 what the points are. Or it looks like somebody wrote
13 into the document. I don't know what those are.

14 Q So as you sit here today you don't have any
15 understanding or recollection of what this document
16 is?

17 A No. And I am quite sure that I have never
18 seen this document before.

19 Q Okay.

20 A There were some documents where I'm like I
21 don't know, maybe I saw it, like the separation
22 agreement. I'm quite sure I have never seen this
23 document.

24 Q Okay. During your time as Title IX
25 coordinator or otherwise as associate vice president,

Chantelle Botticelli

1 did your office ever accept complaints or process
2 statements about former employees of SUNY Albany?

3 A Did we accept complaints or process -- what
4 do you mean by process statements?

5 Q So if somebody came in and said I want to
6 make a statement about a former employee here that
7 might involve or involve Title IX related issues, did
8 you ever accept such statements and, you know,
9 undertake a recording of them, either written or
10 orally, and, you know, take them as part of your Title
11 IX files?

12 A I did.

13 Q Okay. So was that a regular occurrence?

14 A Yeah, and it -- it happens. Students or
15 community members, people would come forward to raise
16 concerns about former employees. And we would, we
17 would listen to those concerns, we would document
18 those concerns and we would -- and we would offer
19 support, right. One of -- one of the goals and a
20 priority of our office, right, was -- one of the goals
21 and the priorities of our office was to make sure that
22 folks who felt as if they had experienced sexual
23 misconduct had a place to report and to seek
24 resources, right. So it wasn't just about, most of
25 the time, about discipline. A lot of the time it was

Chantelle Botticelli

1 about this happened to me, I don't want the university
2 to do anything or I recognize the university can't do
3 anything because this person isn't here anymore,
4 right, but I want the university to be aware of this.
5 And, and for -- people had all different reasons why
6 they wanted us to know. And then we would provide
7 resources to them, right. Here's resources in your
8 community, or our community if folks were still living
9 in the Albany area. So that was -- that was one of
10 the things that we did. So it wasn't overly common
11 for folks to come in and want to make complaints about
12 people who still weren't members of the Albany
13 community, but if they did come in, we certainly
14 engaged with them.

15 Q Okay.

16 MR. CASTIGLIONE: I was going to start with
17 a new line of questions. I'm just asking if you
18 want to take a break or if you want to keep
19 going.

20 THE WITNESS: Can I ask you, and I'm not
21 trying to rush you, I'm happy to spend my day
22 with you, but how much longer do you think it's
23 going to be? If it's going to be like a half
24 hour then let's push through, but if it's not --

25 MR. CASTIGLIONE: No, I would probably,

Chantelle Botticelli

1 look, I'm trying to do it too, I would say 4:30
2 the latest. I'm trying.

3 THE WITNESS: Okay. No, it's fine. I do
4 need a break, though, then.

5 MR. CASTIGLIONE: Okay. So do you want to
6 take five minutes or ten minutes?

7 THE WITNESS: No, five minutes is good.

8 MR. WHITE: So 3:13 we'll be back, Joe, all
9 right?

10 MR. CASTIGLIONE: All right. Thank you.

11 (Recess taken)

12 BY MR. CASTIGLIONE:

13 Q Your report for Roman numerals I, II and III
14 on the first page. Roman numeral I starts off, it
15 says, "insubordination, general misconduct for
16 permitting Arash Alaei to conduct business." Number
17 II, it's the same type of the language. And number
18 III says "a violation of University at Albany sexual
19 harassment policy."

20 How did you determine that it would be
21 insubordination and general misconduct as it relates
22 to Roman numerals I and II?

23 MR. WHITE: Objection to form. You can
24 answer.

25 A It was a -- it was a conversation about

Chantelle Botticelli

1 potential policy violations of human resources.

2 Q Okay. So a discussion between you and human
3 resources, meaning Randy Stark and Brian Selchick, and
4 you guys agreed about what the potential violations
5 would be?

6 A It's -- yes. To help the investigators
7 assigned to participate in the investigation
8 understand the scope of the investigation.

9 Q So for points one and two, insubordination,
10 what would be the basis for the insubordination
11 allegations?

12 A I was not the university official charged
13 with the implementation of the policy that listed
14 subordination as problematic. But my understanding,
15 right, is that that was included because there were
16 allegations, subsequently evidence, to support, with
17 respect to Roman numeral I, to support a finding, if
18 true, that Arash Alaei during his alternative
19 assignment and after his separation from the
20 university was still involved in the day-to-day
21 business of the institute. By that I mean he was
22 directing staff, student staff. He was engaged in
23 conversations about compensation of staff. He was
24 engaged in conversations about budget and how funds
25 from the center, including a million dollar grant that

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1 helped fund the trip to Beirut was spent. Not only
2 was he involved in that process, but in some areas he
3 was directing that process. And that was concerning.
4 Just like it would be concerning if the current Title
5 IX coordinator at UAlbany today called me and said
6 hey, can you do my budget. I don't work here anymore,
7 right.

8 And so that's what we were seeing. We were
9 seeing this person, who no longer works here,
10 allowing -- right, we were seeing a person who's
11 charged with the oversight and direction of the
12 institute, Kamiar, allowing somebody who doesn't work
13 here anymore, and who he knew didn't work here
14 anymore, run the day-to-day business, at least in
15 part, of this center. And so that was the grounds for
16 the general misconduct allegation and the
17 insubordination allegation that we were asked to more
18 fully investigate.

19 Q would the insubordination, though, I mean,
20 wouldn't that necessarily require that there was some
21 directive given that Dr. Kamiar Alaei ignored or
22 refused to comply with?

23 MR. WHITE: Objection to form. You can
24 answer.

25 A Isn't it just an implicit directive that you

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1 can't have a essential non employee running an entire
2 institute of students? I mean, I -- I mean that,
3 honestly, that's my answer to that question. Do you
4 actually have to be given a directive saying you may
5 not have a stranger run your institute?

6 Q Are you aware of whether or not human
7 resources ultimately determined that there was no
8 basis to support those allegations about allowing
9 others to run the institute?

10 MR. WHITE: Objection to form. You can
11 answer.

12 A Can you repeat your question?

13 Q Sure. Are you aware of whether or not human
14 resources ultimately determined there was no basis to
15 support the allegations of misconduct about allowing
16 others to, outside of the GIHHR, to run the GIHHR or
17 otherwise financial misappropriations of GIHHR money?

18 MR. WHITE: Objection to form. You can
19 answer.

20 A I don't know the answer to that. But your
21 question was why did you include insubordination and
22 general misconduct, and my answer is because there was
23 allegations that he was letting this other person,
24 Arash Alaei, this former employee, run the day-to-day
25 business at least in part of the institute. And so

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1 that's why we included that, right, as part of the
2 scope of our investigation.

3 Q So when you say running the day-to-day
4 operations of GIHHR, would that information be
5 attached or referenced in this report?

6 A Yeah. It's discussed throughout the report,
7 the allegations of the students and sticks. I'm using
8 the words "students" and "staff" kind of
9 interchangeably. I probably shouldn't be doing that.
10 Some folks were just student interns, some folks were
11 just students, and others were student staff and
12 others were staff that used to be students. So there
13 was, there was a lot of different institutional
14 identities working in this center.

15 Q Did you ever ask anyone familiar with the
16 grant process or use of fundings, funding at GIHHR,
17 whether or not there was protocol that had to be in
18 place or whether or not there was approval by people
19 outside of GIHHR required for use of any funding that
20 was held by GIHHR or in the name of GIHHR?

21 A I think that was discussed with respect to
22 one of those grants, particularly the million dollar
23 grant, right. That there was some conversation, it
24 might have been with Michelle DeOcampo. Oh, this is
25 Michelle DeOcampo's thing here. Maybe if not Michelle

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1 there was another. September Johnson was very
2 involved, if I recall, with the business aspect and
3 the money aspect. And I think that there was some
4 mention about how some government agency, I don't
5 remember the name of it, was somehow involved in the
6 spending of the grant. But I don't remember the
7 details. I think it's in here somewhere.

8 MR. WHITE: Joe, just for the record, the
9 witness referenced Michelle DeOcampo's statement
10 that's in Plaintiff's Exhibit E-1, I think it was
11 Bates number five.

12 MR. CASTIGLIONE: Yes, Bates number five.

13 A Maybe, it might have also been September
14 Johnson who talked to me a lot about the money. I
15 don't remember. I'd have to read the report. Those
16 two names are standing out to me as folks that gave me
17 a lot of information. I just don't remember.

18 Q Michelle DeOcampo, it appears that this is
19 the summary of what she had conveyed to you. Does
20 that appear correct?

21 A Yes.

22 MR. WHITE: And again, just for the sake of
23 clarity, it's Plaintiff's E-1, Bates number five.

24 MR. CASTIGLIONE: Yes.

25 A And this is not a summary of just what

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1 Michelle DeOcampo told me. Some of what she shared is
2 referenced. This is more of a summary of my
3 understanding of the business. I shouldn't say the
4 business. Of what was happening generally in the
5 institute between February 10th, 2017 and November
6 something 2017.

7 Q I'm just looking at Michelle DeOcampo's
8 statement in part, this middle paragraph on page five
9 or Bates stamped five. And, I'm sorry, it says "it
10 also included providing direction as to the spending
11 of GIHHR funds."

12 Was Ms. DeOcampo aware of whether or not
13 when she made that statement, people at possibly the
14 SUNY Albany Foundation or other such, you know, type
15 of entities at SUNY were required to take an
16 application, review it and determine whether spending
17 of any money was appropriate?

18 A I don't -- I mean, my understanding, my
19 personal understanding of the process is that's
20 consistent with what you're saying. But I don't
21 remember what she said about that.

22 Q I mean, could some of these allegations
23 about spending money, it could have just been based on
24 a total ignorance of the actual process by Ms.
25 DeOcampo, for example?

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1 A Ms. DeOcampo --

2 MR. WHITE: Objection to form. You can
3 answer.

4 A Sorry.

5 Ms. DeOcampo was clear that when there
6 was some -- when there was questions about how they
7 there going to spend money, she would talk to Arash,
8 and Arash would direct her and Kamiar, or she would
9 ask Kamiar and Kamiar would say go ask Arash. And so
10 they would be, right, like any other supervisor. You
11 go to the supervisor first, are we going to spend this
12 money, yes, go ahead, do it, and then you follow the
13 process. That's what she was describing, right.

14 So whatever the process was, she wasn't
15 making decisions about whether or not to engage in
16 that process for spending. She was getting direction
17 from Arash about whether or not she needed to go
18 through the process to spend the money. Does that
19 clarify, am I being clear?

20 Q No, I understand. You're saying it's more
21 Arash would essentially identify how to request that
22 moneys be spent from grant, how they be used. But
23 then once the process was submitted to the SUNY Albany
24 Foundation or whatnot, there was some separate
25 approval process she wasn't involved with or aware of?

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1 A Maybe, right. I just know definitely yes to
2 the first part of what you just summarized. Arash
3 would direct how they spent the money that was
4 available to them, in similar circumstances, not all
5 of them, right. And Kamiar was aware that that was
6 happening.

7 Q So I'm looking at, this is Bates stamped
8 seven of Plaintiff's Exhibit E-1, the Title IX report.
9 This is again a summary, it appears to be discussing
10 spending of money but appears to be based on again
11 Michelle DeOcampo and her statements.

12 A Yeah. It's based on that and all of the
13 emails, right, that supported what she was saying,
14 right. So she's saying she reported this and thank
15 you for sharing this. She reported that Arash was
16 doing things like developing an updated budget for the
17 limited environment, some grant. That she was on
18 conference calls with both brothers in which they
19 talked to her about how to rework this budget. So
20 they were giving her direction together. That Arash
21 played a significant role in planning the Beirut trip
22 and spending the UAlbany funds relative to that trip.
23 And then there was also, and I don't remember if
24 Michelle gave me this, I don't remember where we got
25 the emails, but there was emails, right, that

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1 corroborated what Michelle was telling us, right. So
2 emails between Arash and her about spending that
3 kamiar was talking about.

4 Q Okay. If I can refer you to Plaintiff's
5 Exhibit C-5. Plaintiff's Exhibit C-5 is an email from
6 James Dias dated April 13, 2018 to Bruce Szelest.

7 Did you know during the investigation who
8 James Dias was?

9 A He was the institutional research VP I
10 think. I think that's what he did, something about
11 research.

12 Q Okay. I'm going to refer you to this last
13 paragraph here. It says, "if for some reason Arash
14 has been permitted to involve himself in any current
15 projects, it has been without our knowledge or
16 consent. One final thought, at the time when Arash
17 left, the RF/SUNY at UAlbany offices were never
18 officially notified by the campus so that we could
19 formally remove him from awards. My staff heard
20 thirdhand and proactively took steps on their own to
21 stop all activity. I think there is a gap in the
22 campus process to notify the appropriate offices. I
23 know that Kevin Wilcox voiced his concern about the
24 issue because there was activity on the state side as
25 well. Perhaps a confidential need to know memo,

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1 particularly when someone is on administrative leave,
2 would be appropriate". It's identified as James Dias,
3 Vice President for Research, Research Foundation
4 Operation Manager for University at Albany.

5 Did you have any discussions with Mr. Dias
6 about GIHHR and the use of grant money for matters
7 that were allegedly involving Arash Alaei during your
8 investigation?

9 A I don't remember.

10 Q I mean, this sentiment that he is expressing
11 in this email about offices not knowing, no official
12 notice to people on campus, I mean, did that seem
13 consistent with your understanding about whether or
14 not Arash's separation and his terms had been
15 communicated or not to people like Dr. Kamiar Alaei or
16 Harvey Charles or others involved with work that Arash
17 was dealing with in 2018?

18 MR. WHITE: Objection to form. You can
19 answer.

20 A My focus during the investigation was not
21 about what everybody else knew. It was about what
22 Kamiar knew. And irrespective of whether or not the
23 university told Kamiar that Arash doesn't work for the
24 GIHHR anymore and therefore shouldn't be spending the
25 money or directing the spending of money, it was

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1 irrelevant to me because there was a bunch of other
2 evidence that showed that Kamiar did know that Arash
3 didn't work for the institution anymore, right, that
4 he did know that Arash was spending or directing the
5 spending of the institute's money. So that's what I
6 was focused on during my investigation.

7 Q Apart from the separation agreement, apart
8 from the alternative assignment, did you identify any
9 provisions that would prevent somebody, a third party
10 like Arash from having that type of involvement that
11 you were looking into at GIHHR or collaborating with a
12 director at GIHHR on those issues?

13 A Did I find a policy or a prohibition that
14 said if a person doesn't work for the University at
15 Albany, the Research Foundation or any other state
16 authority that oversees the spending of university
17 money, did I find a policy that said folks other than
18 those groups are prohibited from directing the
19 spending, no, I did not find a policy explicitly that
20 said that.

21 Q Did you find any policy that prohibited
22 GIHHR from bringing on consultants or individuals to
23 partner in that type of capacity as part of your
24 investigation?

25 A No. But my understanding from being an

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1 employee here is that if we were going to be working
2 with the public, there needed to be some sort of
3 consulting agreement than just, right, and I was aware
4 of no such consulting agreement.

5 Q Did you ever speak with Dr. Kamiar Alaei
6 about that issue to determine if there had been some
7 sort of agreement to allow Arash to have some such
8 type of participation?

9 A No.

10 MR. CASTIGLIONE: David, I just sent you a
11 new exhibit, and it's just these emails with
12 Arash and Harvey Charles.

13 MR. WHITE: Okay.

14 (Plaintiff's Exhibit M was marked for
15 identification.)

16 Q I'm now referring you to what's been
17 identified as Plaintiff's Exhibit M. Plaintiff's
18 Exhibit M includes an email from Harvey Charles dated
19 June 4, from Harvey Charles dated June 4, 2017 with
20 Arash Alaei at a Albany.edu email, stating "my report
21 and communication with interns." The email says,
22 "Hello, Arash. I have inquired of HR and am awaiting
23 advice on this matter. I have conveyed that we need
24 to know as soon as possible. I'll be in touch as soon
25 as I hear something. Best, Harvey." It appears to be

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1 responding to an email from Arash dated June 13, 2017
2 which says, "Dear Harvey, I hope this email finds you
3 well. As you know, I have been assigned to work
4 remotely to develop grant proposals and send report to
5 you. Writing grant is a progressive effort and time
6 consuming. Given it takes time to identify relevant
7 grant opportunities and develop grants, could you
8 please advise me how quickly you want to send you a
9 regular report in order to have a more tangible
10 output." It then continues, saying, "In addition, I
11 just wanted to inform you that I need to have Skype
12 communication with" an individual identified as a DrPH
13 student, two other individuals identified as PhD
14 students, and then another individual identified as a
15 UAlbany alumni. And it says, "they are GIHHR's
16 interns and I need to have Skype meeting with them to
17 develop grant proposals. Looking forward to hearing
18 from you. Best, Arash."

19 During your investigation did you ask Harvey
20 Charles for any email communications he might have had
21 with Arash as to Arash asking to communicate with
22 GIHHR staff or interns as provided for in his
23 alternate assignment agreement?

24 A I think that it -- I don't remember if I
25 did. The emails would have been attached as exhibits

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1 to the report.

2 Q Okay.

3 A So, so if you can point me to either the
4 exhibits or lack of exhibits.

5 Q Got you.

6 So, E-1. Documents received in review on
7 page three of Plaintiff's Exhibit E-1, would this
8 reflect documents you reviewed as part of your
9 investigation concerning allegations concerning Dr.
10 Kamiar Alaei reflected in Roman numerals I through III
11 in this report?

12 (Witness perusing documents)

13 A If you can scroll, if you can scroll down.

14 Q Yeah.

15 (Witness perusing documents)

16 A If you can scroll down.

17 (Witness perusing documents)

18 A Okay.

19 Q Other than those emails that I listed on the
20 Bates stamped page three, four and five of the Title
21 IX report, would there be any other documents that you
22 reviewed as part of your investigation concerning
23 Kamiar Alaei in 2018?

24 A You know, I don't think -- not as part of
25 the investigation. I'm now wondering, right, because

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1 you asked the question earlier and I had said it
2 triggered some recollection. I'm wondering if after
3 the investigation I might have seen additional
4 documents more related to the spending, but I don't
5 remember.

6 Q So when the investigation concerning an
7 allegation about Kamiar Alaei allowing or facilitating
8 Arash Alaei communicating with interns and staff
9 during his alternative assignment, Arash Alaei's
10 alternative assignment, did anyone say let's ask the
11 supervisor, Harvey Charles, per Arash Alaei's
12 alternative assignment if he was having communications
13 seeking to talk to interns and Harvey Charles or human
14 resources was approving it?

15 MR. WHITE: Objection to form. You can
16 answer.

17 A I don't remember.

18 Q Did Harvey Charles or anybody at human
19 resources explain at the meeting on February 9, 2018
20 that Arash had been communicating with his supervisor
21 about whether or not to have discussions with interns
22 or communications with interns and staff, which was
23 allowed as part of his alternative assignment with Dr.
24 Charles?

25 MR. WHITE: Objection to form. You can

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1 answer.

2 A I wasn't aware that he was given a blanket
3 approval to talk to interns and staff. That was your
4 question, no. With respect to particular interns and
5 staff, it looks like from this email he was requesting
6 permission to speak to three interns. I wouldn't know
7 what the outcome of that was.

8 MR. WHITE: For the record again, Joe, the
9 witness is referencing Plaintiff's Exhibit M-1.

10 MR. CASTIGLIONE: Yes, Plaintiff's Exhibit
11 M-1. And just for the record it appears to
12 identify four interns at the time --

13 A Oh, I'm sorry.

14 MR. CASTIGLIONE: -- for developing grant
15 proposals.

16 Q But do you know, did anybody ask are there
17 other emails, I mean, were there other instances that
18 Arash might have been contacting Harvey Charles and
19 asking to talk to other people?

20 A I don't remember.

21 Q Do you remember anybody specifically asking
22 Harvey Charles about the issue?

23 A Like I mentioned earlier, this conversation
24 is triggering memories that are unclear. So I don't
25 want to say nobody asked him because I'm having this

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1 recollection of conversations with Harvey Charles
2 about this issue. But these are unclear memories, so
3 I can't say for sure that they happened. I don't know
4 if it's just thinking they had happened because of you
5 asking the question, or they actually happened. So my
6 answer is I don't recall.

7 Q But at the meeting on February 9, 2018 you
8 don't recall Harvey Charles or anyone from human
9 resources responding that Arash had the ability to ask
10 us for permission and he did ask us for permission on
11 occasion, and possibly permission was given on
12 occasion by Harvey Charles or HR in response to the
13 students' concerns about Arash interacting with
14 students while he was on his alternative assignment?

15 MR. WHITE: Objection to form. You can
16 answer.

17 A I don't remember that coming up on February
18 9th. February 9th is the meeting with the students;
19 correct?

20 Q GIHHR staff and students.

21 A Okay.

22 Q Okay. So back to the report, Plaintiff's
23 Exhibit E-1. The report says, it says "response time
24 line," there's an initial date 2/2/2018 and it says
25 "event, report received". It then says, "TC Bruce

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1 szelest." It says then, "emails to schedule meetings
2 with initial three student reporters." Do you have
3 any recollection of what that's referring to?

4 A Yeah, I -- yeah. I received the report from
5 Dr. Stellar. I let Bruce know that I received the
6 report from Dr. Stellar, and I asked, I think I had
7 asked Bruce if he could help me get a better
8 understanding of the basis of the report, right. So I
9 need to reach out to Randy, I need to reach out to HR,
10 is that okay with you, right. If I was going to
11 collaborate with another office I wanted my supervisor
12 or my supervisor liaison to know that. And then I
13 reached out to the three students who were raising
14 concerns, or at least three students who had raised
15 the initial concerns to Dr. Stellar, to schedule
16 meetings with them.

17 Q Okay. At the beginning of the report it
18 says, "The following report details the University at
19 Albany's coordinated response to a report received on
20 February 2nd, 2018 from James Stellar. Specifically,
21 the report alleges that several students reported to
22 him that Dr. Arash Alaei has been interacting with
23 students in violation of a Stipulation of Settlement
24 entered into by and between Dr. Arash Alaei and the
25 University on September 18, 2017."

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1 Now, back referring to this response time
2 line date, February 2nd, 2018, is it fair to say then
3 that what Dr. Stellar had conveyed to you and the
4 three student reporters was involving that issue of
5 Arash Alaei interacting with students in violation of
6 the Stipulation of Settlement?

7 A Yes.

8 Q Okay. And that was limited to that issue
9 or, you know, generally Arash communicating or
10 interacting with staff and students?

11 A I believe yes. The initial report from Dr.
12 Stellar focused on the students' concerns that Dr.
13 Arash Alaei was still engaging with them as if he was
14 still a director at the center or the institute.

15 Q This then continues, it's 2/5/2018, it
16 identifies some meetings and then it says, "interview
17 of" and it's blacked out. And I assume that's Leah
18 Diedrich, do you recall?

19 A I don't remember. I don't know why that's
20 blacked out.

21 Q 2/6 there's additional information, 2/7
22 additional information.

23 Is it fair to say this report is accurate,
24 or excuse me, this time line is accurate in terms of
25 dates identified corresponding with the events you've

Chantelle Botticelli

1 listed in the report?

2 A Yes.

3 Q Okay. So it looks like your first meeting,
4 based on this, with Michelle DeOcampo occurred on
5 2/9/2018?

6 A Yes.

7 Q Okay. So you didn't have any information
8 from her about the allegations she was raising
9 concerning Dr. Kamiar Alaei reflected in your report
10 until at the earliest 2/9/2018; is that fair to say?

11 A Yes.

12 Q And it looks like, you had said September
13 Johnson, it looks like there was an email or interview
14 of September Johnson on 2/6/2018. Is it fair to say
15 that's the first time you obtained information from
16 September Johnson about her interactions or her
17 concerns with Dr. Kamiar Alaei?

18 I'm sorry, did you say yes?

19 A Yes, I said yes, and then I said excuse me.

20 Q That's all right, I just didn't hear it.

21 At the bottom of Bates stamped page two of
22 Plaintiff's Exhibit E-1 it says "individuals
23 interviewed." It identifies Michelle DeOcampo and
24 September Johnson as employees. Is that your
25 recollection, they were employees of GIHHR at the time

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1 they were giving statements?

2 A Yes.

3 Q So they weren't students, they were just
4 employees?

5 A I would have to review their full statement
6 to have an accurate answer to that statement. Whether
7 they were student employees or employees, I don't
8 recall.

9 Q I'm just looking at the continued list, it
10 identifies at number five and six somebody as a GIHHR
11 student employee.

12 A Okay.

13 Q would that refresh your recollection if you
14 made a distinction between just an employee and a
15 student employee?

16 A Yes. So if I didn't make that distinction
17 then, unless I made a mistake in the report, which is
18 possible because I'm not perfect, but my, my
19 recollection would be that if they were designated
20 just as employees at the time that I interviewed them,
21 they were employees of the institute and not students.

22 Q Okay.

23 A I think there were former employees, former
24 students involved, and then they graduated and stayed
25 on as employees.

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1 Q So they, it's likely number two and three,
2 Michelle DeOcampo and September Johnson had been
3 student interns of GIHHR, they graduated from school
4 and then stayed on as employees of GIHHR?

5 A Yes.

6 Q This reflects, if you continue down on Bates
7 stamped page three, 43 individuals were interviewed as
8 part of your investigation.

9 A Yes.

10 Q Okay. How did you go about identifying the
11 people to interview for your investigation as
12 reflected on this list of one through 43?

13 A Yeah, sure, that's a good question. So many
14 of them came directly to us. As I mentioned earlier,
15 there were students who would just walk into the
16 office and want to talk to us about their experience
17 or their concerns. Others were during the
18 investigative interviews named, right, they were
19 colleagues who, you know, they may have had additional
20 information.

21 And I think it was our practice and I don't
22 know that we did this for everyone, but for most folks
23 we would have asked a question like along the lines of
24 at the end of the interview is there anybody that you
25 think we should speak to. We wanted to get as full of

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1 a picture of what was happening at the institute,
2 right, because again, serious allegations. The
3 students were very upset. And we really wanted to get
4 this right, not only for the students but for Kamiar
5 Alaei, right. He was -- we were as concerned about
6 him as we were about them when we were trying to be
7 thorough and accurate in our investigation. And so we
8 wanted to speak to as many people as possible, right,
9 to get an understanding, is what these students -- are
10 the allegations that are being made by some of these
11 students supported and corroborated by other folks.
12 If yes, right, that's important to know. If not,
13 that's also really important to know.

14 Q So what was the safety benefit or well-being
15 benefit for removing Kamiar Alaei from his job
16 position and prohibiting him from going on school or
17 emailing him at the outset of the investigation?

18 A What was the safety benefit. The safety to
19 whom, the students or to him?

20 Q To him.

21 A You have 43 students up in arms saying,
22 right, a report, a large number of students, not all
23 43 of those were up in arms about it, right, but a
24 large number of students, enough to fill a conference
25 room here in University Hall of students who were

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1 upset based on information that they had about what
2 they believed he did or didn't do, right. And so we
3 also had concerns for him, right, continuing to engage
4 with these students who were angry with him, who felt
5 that he had betrayed their trust, who felt that he, he
6 had them in a vulnerable and unsafe position by
7 directing them to continue to engage with his brother,
8 right. And so if he -- if the evidence showed that he
9 did not do the things that they were alleging, right,
10 we wanted to make sure that he was protected.

11 The other benefit is integrity of the
12 investigation, right. Like you just want to separate
13 these people because there's high, high emotions
14 coming from these students. Whether they were
15 justified or not, they were upset. They were upset at
16 the university and they were, as that letter that they
17 wrote together showed, they were upset at Kamiar.
18 They say in the letter not only is the university at
19 fault but so is Kamiar Alaei.

20 And so we were also concerned for him,
21 right. And I understand that might be hard for
22 someone in his position to understand. But it is, it
23 is -- when you separate a person during an
24 investigation, it is not just about protecting the
25 complainants, it's also about protecting the

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1 respondent from the complainants and protecting the
2 respondent by ensuring that there is -- there is
3 integrity in the investigation. There's no way if
4 they're separated the complainants can say Kamiar is
5 trying to influence the way I discussed the evidence
6 in this case, right. That's one way of protecting
7 them by separating them. So it's not -- it's not a
8 disciplinary action to do an administrative
9 reassignment during an investigation. It's not
10 discipline, right. It is, the goal is protecting the
11 parties and the institution.

12 Q So you're referring to the UUP process; is
13 that fair to say?

14 A I'm referring to the alternative assignment,
15 right, because that's part of the UUP process, sure.
16 Yeah, it's about -- it's not -- it's not about
17 disciplining or, or, what's the word I'm looking for,
18 like harming the respondent, right. I understand that
19 it might feel that way. And I've had conversations in
20 other contexts with respondents where we're placing
21 them on alternative assignment or a temporary leave,
22 right. We explain to them this doesn't feel good,
23 right, it might feel like discipline, but we're
24 trying -- we're also looking out for your interests
25 here, which includes making sure that this

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1 investigation is done completely and thoroughly and
2 that the integrity of the investigation is protected.
3 So that's the answer to your question.

4 Q So if the students were raising concerns
5 about Kamiar Alaei facilitating or allowing Arash to
6 interact with students and staff when Arash was on
7 alternative assignment and then after separation, why
8 didn't anybody in the February 9, 2018 meeting say we
9 had a -- Arash is separated, on alternative
10 assignment, he was given the opportunity to interact
11 with students if it was approved by Harvey Charles and
12 human resources, and there were instances where Arash
13 was asking Harvey Charles for permission to interact
14 and it was conveyed to human resources and here is the
15 result of those. So why didn't anybody raise that in
16 defense of Kamiar Alaei at that February 9, 2018
17 meeting?

18 MR. WHITE: Objection to the form. You can
19 answer.

20 A I don't know the answer as to why nobody did
21 that. But --

22 Q Did anybody -- sorry, go ahead.

23 A But his, Arash's interactions with students
24 went beyond interacting with a couple of them. He was
25 interacting with everybody every day at the institute

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1 like he still worked there. And so I think that that
2 response would have just gotten them more angry,
3 right. Okay, so he was allowed to interact with some
4 people, which means we weren't controlling this
5 process, we weren't really controlling it because he
6 was interacting with all of us.

7 Q When you say --

8 A And Kamiar knew it.

9 Q When you say he was "interacting with all of
10 us," is there a distinction between Arash on
11 alternative assignment and Arash after separation
12 there?

13 A He was engaged in the everyday business,
14 according to these students, in the everyday business
15 of that center during his alternative assignment and
16 after his alternative assignment.

17 Q So during his alternative assignment, it was
18 referenced in his email that you recall, Arash was
19 allowed to apply for grants and that was in fact part
20 of his job, at least as he's raising in his email to
21 Harvey Charles?

22 A Yes.

23 Q Does anybody know if the grants were issued
24 that he was seeking in his job for GIHHR at the time
25 or were issued in his name and required his

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1 involvement in order for the grants to be administered
2 and funding to be released for the GIHHR matters?

3 A I don't know. Sorry, I don't know the
4 answer.

5 Q Okay. Did anybody investigate that issue to
6 say he's directing spending of money through grants,
7 is he a recipient of the grant and required to have
8 participation and involvement in directing spending
9 and use of those grants money?

10 A I don't know the answer to that. But I
11 think one of the things we were focusing on too
12 insofar as the spending, was the spending he was doing
13 after he was fully separated, right. So he was doing
14 a lot of spending with respect to the Beirut
15 conference. He was not on alternative assignment
16 then. He was --

17 Q So after -- sorry, go ahead.

18 A I said he was separated at that point in
19 time.

20 Q So after he separated from GIHHR, did anyone
21 look in to say did Arash apply for and receive grants
22 that are still in his name, and for us to use them he
23 still has to be involved and directing use of the
24 moneys from those grants even though he's separated
25 from GIHHR, because those grants are still being used

Chantelle Botticelli

1 by GIHHR staff and students?

2 MR. WHITE: Objection to form. You can
3 answer.

4 A I don't know the answer to that.

5 Q Okay. Did anybody at the February 9 meeting
6 in 2018 say nobody here has told Kamiar Alaei that
7 Arash is not to have any continuing involvement with
8 GIHHR period, even though he's separated?

9 A I don't remember.

10 Q I'm going to continue with this Plaintiff's
11 Exhibit E-1, the investigation report.

12 A Okay.

13 Q It says "Investigation Findings Relevant to
14 Allegations I and II" on Bates stamped page five.
15 There's then a sub, it says February 10, 2017 to, I
16 can't tell, it's blocked out, but it's November
17 something 2017 I think. And this is information from
18 Michelle DeOcampo. Then if you keep scrolling down,
19 there's an email chain regarding a GIHHR board of
20 directors, Elizabeth Dufort, regarding August 7, 2017.

21 In her email, you can read through it, at
22 some point she raises "additionally, do you think the
23 advisory board", it looks like affiliated faculty,
24 "should be made aware/updated of the blank of
25 transparency," it's blocked out. But is it, as far as

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1 your understanding from what Ms. Dufort was raising,
2 was she raising that the board of directors of GIHHR
3 and affiliated faculty and the advisory board had not
4 been made aware of issues involving Arash Alaei's
5 employment with SUNY University at Albany in 2017?

6 A That's what her email says.

7 Q Did anybody look into that issue about
8 whether there had been any kind of formal notification
9 to the board of directors at least or affiliated
10 faculty about Arash's status and what the limitations
11 were on his employment at the time?

12 A I believe I spoke to Liz Dufort and
13 confirmed that she had not, as a member of the board
14 of trustees, been made aware of Arash Alaei's
15 separation and the circumstances surrounding his
16 separation.

17 Q Was it a separation or was it also an
18 alternative assignment if the email was dated August
19 7, 2017?

20 A I don't remember.

21 Q The stipulation of settlement appears to be
22 from September 18, 2017. Announces his resignation.

23 There are some other concerns, and then
24 there's one, two, three, three individuals that raised
25 concerns in addition to Ms. DeOcampo and obviously

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1 Leah Diedrich. Was there any investigation into these
2 issues raised by these other individuals under Roman
3 numeral IV, "other concerns", on Bates stamped page
4 nine of Plaintiff's Exhibit E-1?

5 A You can scroll down a little. If you go to
6 the top. Sorry to --

7 Q Yeah, no, that's fine.

8 (Witness perusing documents)

9 A I believe questions were asked of other
10 students, right. So Abby interviewed a lot of people
11 I remember, I believe asking questions, particularly
12 about the concerns raised by Isabel.

13 Q Okay. As you can --

14 A In the right order.

15 Q As you can --

16 A In the right order.

17 Q I'm sorry, go ahead.

18 A In the right order.

19 The other, the other additional
20 investigation was we collected documents related to
21 her additional allegations here.

22 Q Do you recall ever making any formal finding
23 about the allegations Ms. Pinheiro is raising here?

24 A No.

25 Q If you continue on, at Bates stamped page 10

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1 of Plaintiff's Exhibit E-1 it continues on with it
2 amounts to be a more in-depth statement or recounting
3 of the statement from Ms. DeOcampo. It looks like she
4 was the one about raising using sick time, and Kamiar
5 Alaei allegedly not agreeing to that. There's then a
6 more detailed recitation about allegations or comments
7 from September Johnson at page Bates stamped page 11
8 of Exhibit E-1, but that appears to be it.

9 Is it fair to say that September Johnson and
10 Michelle DeOcampo are the primary people providing
11 information or allegations regarding Kamiar Alaei and
12 how he was running or otherwise operating GIHHR, apart
13 from facilitating or allowing Arash to interact with
14 students and interns?

15 MR. WHITE: Objection to form. You can
16 answer.

17 A It's not fair to say. Three other students
18 identified above, who were also raising similar
19 concerns about how they ran, engaged with the
20 students, how they ran the center and how they engaged
21 with the students. And there's themes, okay. Hooman
22 says, he asked me doing writing for him and he's
23 taking credit. And Michelle DeOcampo, the same thing.

24 Q Was there any formal conclusion or findings
25 as to that allegation by Hooman Movassagh?

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1 A So there was no formal, as we talked about
2 earlier, findings with any of this. It's just a
3 collection of information. And we were collecting
4 information to then be turned over to HR, and they
5 were going to decide what to do with the information.

6 And so it -- but your question, is it fair
7 to say that only Michelle and September raised
8 concerns about the way Kamiar was operating and
9 engaging with students at the GI -- at the Institute,
10 and the answer is no. There was 46 students that
11 engaged with us, almost all of whom were raising some
12 sort of concerns that related either to the way they
13 were managed, the way they were paid, the way
14 expectations were set, the way that Kamiar engaged
15 with them, right, his boundaries with respect to their
16 personal, their professional relationships, his
17 boundaries with respect to their personal
18 relationships. There's student after student after
19 student coming in and making bits and pieces that put
20 together this big picture that said this person is not
21 right. Put it all together, and the allegations were
22 this person is running this institute in a way that is
23 inconsistent with the way we expect our faculty to
24 engage with students and to engage in the operations
25 of running something like an institute of this size.

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1 Q Did you look into whether or not there were
2 governing bylaws or operating protocols that were
3 agreed to for GIHHR when it was created as an
4 institute at the university?

5 A I don't remember.

6 Q In this report, back to Plaintiff's Exhibit
7 E-1, you provided more information from allegations by
8 September Johnson, you provided more information from
9 Michelle DeOcampo, as well as then the three
10 individuals listed under "other concerns". With the
11 list of 43 people interviewed, how come you only
12 provided an elaboration of allegations from those five
13 individuals and not from others as you just conveyed
14 who were raising concerns?

15 A So their, their -- their testimony, right,
16 was also part of, or the information that they
17 provided was also part of the investigative record,
18 right. You have the recordings of all of the
19 information. So this was just a high level summary of
20 the most significant allegations brought about. But
21 there was, like I mentioned earlier, many of these
22 people on this list were raising concerns that
23 contributed to or were corroborative of themes that
24 we're seeing laid out in the report.

25 Q Are there transcripts of the interviews for

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1 these 43 people?

2 A I don't remember if there's -- they're,
3 they're documented. The, the summaries of the
4 interviews or the recordings of the interviews exist,
5 or at least they did when I left the office.

6 Q So at the time you had tape recordings of
7 each interview of these people listed, one through 43,
8 on the Title IX report of Plaintiff's Exhibit E-1?

9 A Yes.

10 Q The file keeping process for Title IX during
11 your time, would you be able to access files for --
12 strike that.

13 were files maintained, individual files for
14 each investigation concerning a claim of sexual
15 misconduct by a faculty member?

16 A Yes.

17 Q would you be able to just locate those in
18 the filing system and say here are the allegations or
19 here's the denials related to allegations of sexual
20 misconduct about faculty members and find those?

21 A There was -- it was not -- it wasn't
22 separated into here's a group of files about faculty.
23 It was for every -- so the system was, a report would
24 come in. The report would be given a report number.
25 The details of the report would be added to a

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1 spreadsheet. And then each report would get its own
2 electronic folder in our secured shared drive, shared
3 with the Office of Diversity and Equity. And then
4 each folder would contain the evidence obtained during
5 the investigation, including evidence of investigative
6 interviews.

7 Q Okay, so there were, okay. And were they
8 maintained under a specific identified file or program
9 in your computer system?

10 A Yeah, but I don't remember what the name of
11 that was. But it was an organized -- it was an
12 organized recordkeeping system, right, it was
13 organized. It was all organized when I -- when I was
14 there. I don't know, when my predecessor came in she
15 might have adjusted the recordkeeping system, but I
16 don't know.

17 Q An issue was raised at some point about
18 Barry Sherman also allegedly being able to interact
19 with students apparently under the oversight of Kamiar
20 Alaei. Do you recall that?

21 A I recall it but I don't recall the
22 circumstances or the facts surrounding it.

23 Q Okay. If a student's or a former student's
24 complaint or statement about Kamiar Alaei, which was
25 made in 2019, would that have been included as part of

Chantelle Botticelli

1 the materials you reviewed in 2018?

2 A Say that again?

3 Q Sure. If a former student or a student made
4 a complaint or statement to Title IX in 2019, would
5 that have been included in your review of the
6 investigation and allegations against Dr. Alaei in
7 2018?

8 A I'm sorry, I'm looking like that because I'm
9 so confused. Are you asking if I went back in time?

10 Q I'm asking if you would be able to consider
11 something raised in 2019 as part of your investigation
12 in 2018. I would assume the answer is no, but that's
13 me.

14 MR. WHITE: Objection to form. You can
15 answer if you understand the question.

16 A I don't understand your question.

17 Q Sure. If a complaint was raised concerning
18 Kamiar Alaei or a statement was raised about Kamiar
19 Alaei in 2019 by a former student, that clearly would
20 not have been included in your investigation or
21 something you reviewed in 2018?

22 A Clearly.

23 Q Okay.

24 A I'm so confused, sorry. I'm not trying to
25 be difficult.

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1 Q No, I'm just trying to create a record, so I
2 appreciate it.

3 A It would be hard. Maybe there was a typo,
4 right. So why don't you show me what you are talking
5 about.

6 Q You know what, let's see.

7 A So that the record is clear.

8 Q Do you recall reviewing this sexual
9 misconduct summons report 19-046 allegedly from a
10 report received on March 1st, 2019 as part of your
11 investigation in 2018 concerning Dr. Alaei?

12 MR. WHITE: Objection to form.

13 A Okay. It's scrolling too fast for me, I'm
14 so sorry.

15 (Witness perusing documents)

16 A So want to discuss an experience with Dr.
17 Kamiar Alaei. You can scroll down. Scroll down.

18 Q Is this something you reviewed in 2018 as
19 part of your investigation?

20 MR. WHITE: Objection to form.

21 (Witness perusing documents)

22 A No, it's not something I reviewed in 2018.
23 Like I mentioned earlier, right, it is not uncommon
24 for us to get a report from folks who are reporting
25 something that historically happened against somebody

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1 who's nobody -- no longer here. Because our goal at
2 the Title IX office was to make sure that they were
3 heard and they were able to share their experience and
4 that we connected them with support. So it's, I don't
5 think it's odd that Leah, the Title IX coordinator at
6 the time, actually sat down with that student to hear
7 her complaint about Kamiar. Which is what I would
8 have done.

9 Q In those instances in the past would human
10 resources also sit in on such matter when they were
11 recording a statement or taking a statement from a
12 former student about a former employee?

13 A Sometimes, I think so, yeah. And also this
14 particular coordinator. So I don't know what -- what
15 Leah's practices were. She may have always had human
16 resources engaged when there was a complaint about an
17 employee.

18 Q Got you.

19 If I can refer you to what's been identified
20 as Plaintiff's Exhibit A-6. Do you recall the time
21 when your investigation concerning Dr. Alaei came to
22 an end in the sense that you stopped soliciting
23 evidence or looking for evidence and ultimately
24 prepared that report that's Plaintiffs' Exhibit E-1?

25 A Yes, there was a time where I stopped doing

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1 those things.

2 Q Do you recall when that was, approximately?

3 A No. I'm frustrated with myself for not

4 indicating that on the report.

5 Q I'm showing you what's been marked as

6 Plaintiff's Exhibit A-6. It's a letter from my law

7 firm, Young/Sommer to Randy Stark. It's dated May 21,

8 2018. It says in part, "regarding written response

9 supplementing meeting held on May 9, 2018."

10 Were you aware there came a time where HR

11 conducted an interrogation of Dr. Alaei under the UUP

12 process?

13 A I was -- I think I was aware that it was

14 happening, but I don't know when happened. Did it

15 happen on May 9th?

16 Q It happened on May 9th.

17 A My last day at the university was May 10th.

18 So I was probably like I don't care, I'm out, right.

19 Q Understood.

20 So it's fair to say then you didn't consider

21 this May 21, 2018 letter as part of your investigation

22 for Title IX matters?

23 A I was not here when that letter came in.

24 Q Is it fair to say you didn't consider what

25 was discussed at the meeting on May 9th of 2018, the

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1 interrogation, as part of your investigation
2 concerning Kamiar Alaei?

3 A Yes. And there's a why. Thank you for
4 asking that question. That is why there are no
5 findings in my investigative report. The
6 investigative report and the purpose of the
7 investigative report was to gather all of the
8 information from the complainants, get an
9 understanding of, of their perspective, gather as much
10 information from other folks who weren't complaining
11 but would have had the opportunity to observe, right,
12 Dr. Kamiar Alaei's interactions and the allegations
13 surrounding those interactions, so that we could then
14 turn that over to human resources, who would then
15 conduct the interrogation. And that is why -- thank
16 you, this is refreshing my recollection. That is why
17 we never spoke to Kamiar, because he was a unionized
18 employee, and the process was that we would not, the
19 Office of Institutional Equity did not interview
20 employees. Employees were only interviewed as part of
21 an interrogation process by human resources. So that
22 is why there's no finding, right, because we didn't
23 have all the information, we didn't have Dr. Alaei's
24 side of the story.

25 Q Do you know why they didn't solicit an

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1 interrogation sooner in the investigatory process
2 rather than May 9, 2018?

3 A No, I don't know the answer to that question
4 other than that my understanding of that process is
5 that it's a real difficult process to work through, so
6 maybe that's why. But I don't know. That's a
7 question for Randy and Brian.

8 Q Okay. So you weren't familiar with the
9 charts reflecting the structure of the GIHHR
10 supervision and funding issues raised in this letter?

11 A No.

12 Q As to the Beirut issues concerning Leah
13 Diedrich and alleged sexual misconduct allegations,
14 when you spoke to Ms. Diedrich did you ask her if she
15 had any pictures or any documentation of interacting
16 with Dr. Alaei at the Beirut conference?

17 A I didn't explicitly ask her for photographs.
18 But I asked her if she had any additional information
19 that would help me better understand her experience.
20 I think I asked her explicitly for the emails between
21 her and Dr. Alaei, and not just emails but related to
22 the conference. But she was expressing an overall
23 discomfort with their interactions, both at the
24 conference, before the conference and after the
25 conference. So I asked her for that. I don't think I

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1 explicitly said pictures, but I might have. I don't
2 know.

3 Q So I'm just going to show you the pictures
4 attached to the Claimant's Exhibit A-6 letter from May
5 21, 2018. Do you recognize Ms. Diedrich in one of
6 these pictures?

7 A I don't remember which one. I'm sorry, I
8 don't remember what she looks like.

9 Q Okay.

10 A And actually I've never seen, is that
11 Kamiar?

12 Q Yes, it is.

13 A I've never seen him before.

14 Q So it's fair to say you didn't see these
15 pictures, Ms. Diedrich didn't provide you these
16 pictures regarding her interactions with Dr. Alaei at
17 the Beirut conference?

18 A No, she did not.

19 Q I'm just scrolling.

20 A I've seen no pictures.

21 Q Excuse me?

22 A I said I've seen no pictures, ever.

23 Q Okay. Understood.

24 The last picture here, one of the
25 allegations by Ms. Diedrich was I think that Dr. Alaei

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1 had put his arms on her shoulders or around her or
2 something like that, and that gave cause for, you
3 know, concern about alleged sexual misconduct. If the
4 complainant had engaged in that similar type of
5 conduct, would that have been grounds to initiate a
6 Title IX investigation concerning Ms. Diedrich?

7 MR. WHITE: Objection to form. You can
8 answer.

9 A If Kamiar had wanted to file a complaint, if
10 he had come forward and said I'd like to file a
11 complaint of sexual harassment against Ms. Diedrich, I
12 would have done an intake like we did with her and we
13 would have asked if he could explain, right.

14 Q Sure.

15 A You know, we would ask questions about
16 whether or not Ms. Diedrich had engaged in unlawful
17 conduct of a sexual nature and created a sexually
18 hostile work environment for working and learning. We
19 would also explore the power dynamic between those
20 two, because that's important in sexual harassment,
21 right, in a sexual harassment allegation. So we're
22 always asking who's in a position of power here. Is
23 it in this case Ms. Diedrich, and what is that
24 position of power that she holds over Kamiar. So that
25 would have been something we would have explored, and

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1 to bring an initial assessment as to whether or not to
2 accept a complaint, right. So he certainly could have
3 come forward and he certainly could have made that
4 report and we certainly would have considered it, much
5 in the same way we did with her, right.

6 She was alleging he was engaging in behavior
7 that made her uncomfortable. Part of her allegations
8 is that he was her supervisor, she was an intern. Not
9 only was he her supervisor, he's also somebody with
10 significant power control, or at least from her
11 perspective significant power control over her career
12 path, that she had worked very long and hard, right,
13 to build. And so that was one of the reasons she was
14 concerned about her inclusion, the inclusion of her
15 report in this overall investigation. It was a
16 concern raised by others as well.

17 Q If I could refer you to now Plaintiff's
18 Exhibit I. Plaintiff's Exhibit I, if you can take a
19 look at this. Oh, no, that's the wrong one, sorry.
20 Plaintiff's Exhibit -- okay, that's the right one.

21 I'm showing you what has been marked as
22 Plaintiff's Exhibit I. It might have been wrongly
23 identified as -- yeah, right. So it's Plaintiff's
24 second Exhibit I, I apologize for that, there was some
25 mislabeling, but it's identified as Sexual Misconduct

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1 Report, a response report from February 2nd, 2018, it
2 says from Stellar. If you can take a look and see if
3 you recognize what this is.

4 A Yes, I recognize that.

5 Q Can you explain to me what this document is?

6 A So this is a document that helps us that we
7 use to document our institutional response. So not
8 every report results in a full investigation or the
9 generation of a full investigative report. And so
10 this was, it looks like a document that we initially
11 started to create to document our institutional
12 response. Does that make sense?

13 Q Yeah, no, it does.

14 A So that when we were asked about it we were
15 able to remember.

16 Q No, no, that's perfectly fine.

17 This on the page Bates stamped 20491 talks
18 about a meeting of 2/7/2018, and it says "purpose of
19 meeting on Friday with students was discussed," and
20 then it says "discussed departure of Kamiar." Is that
21 regarding what was to be discussed at the meeting on
22 February 9, 2018?

23 A Yeah.

24 Q If you scroll down, the third bullet point
25 says "we must do" and then it says, "get pres approval

Chantelle Botticelli

1 to place KA on alternative assignment." Does this
2 reflect that at a meeting on 2/7/2018 you and Randy
3 Stark and Brian Selchick were seeking to get or
4 decided to get the president's approval to put Kamiar
5 here on alternative assignment?

6 A Yes.

7 Q You know, this says "no contact with
8 students, cannot go to GIHHR, if he does he's
9 trespass." This says "take keys and swipe access."
10 Do you know why removing his email access was not
11 identified at that meeting or discussion you had on
12 the seventh?

13 A Yeah. Probably because this is just me
14 taking notes of what I recall of a meeting after the
15 meeting. And maybe I forgot to add it, maybe it
16 wasn't discussed. You know, as I mentioned earlier,
17 the protocol for alternative assignment was one that
18 was really -- one that I was unfamiliar with because I
19 didn't implement the alternative assignments. I might
20 be aware of them in cases involving sexual misconduct,
21 I might have weighed in on whether or not one was
22 beneficial or even necessary or advised, but I didn't
23 actually do it. So it's either I forgot to add it or
24 I didn't know what was the right protocol at the time.

25 Q Okay.

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1 A But my understanding eventually was that
2 removing email access was, was something that was done
3 when folks were -- were placed on assignments.

4 Q Okay. And then this says "report date,
5 details and information obtained and reviewed" on the
6 page Bates stamped 2492. Is this fair to say reflects
7 the meeting and what was discussed with you and Leah
8 Diedrich on February 5th, 2018?

9 A Yes.

10 Q And it continues to page 2494. It looks
11 like there was another meeting with somebody on
12 February 9. This might have been Leah or Elizabeth
13 Gray.

14 A I don't know if it's Elizabeth Gray. Let me
15 read it.

16 Q Sure.

17 A This looks like Elizabeth Gray, a summary of
18 my conversation with Elizabeth, it might have been.
19 It looks like it is. I would have to -- yeah.

20 Q This reflects apparently statements this
21 individual provided based on a conversation with Arash
22 and Kamiar about an investigation concerning Arash?

23 A Yes.

24 Q So this says "[blank] was with Arash when he
25 was pulled into a meeting with HR in February when a

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1 UUP representative told him he had the right to
2 reassignment or to work off campus. [Blank] was then
3 asked to leave the meeting and did."

4 So does this appear she was at the meeting,
5 I think there was a reference earlier in your report
6 to a meeting where I forget the woman's name, but it
7 says she conveyed the alternative assignment to Arash?

8 A Yeah. Yes, Kathy Tretheway.

9 Q Okay.

10 A I don't think this is a summary of my
11 conversations with Elizabeth Gray.

12 Q Okay. Understood.

13 So these are interview summaries for
14 different individuals you had interviewed over the
15 course of the investigation it looks like as well?

16 A It looks like in the very beginning of the
17 investigation.

18 Q Okay. What about Plaintiff's Exhibit J, can
19 you identify what this is and is it a draft of the
20 final report we looked at earlier, Plaintiff's Exhibit
21 E-1?

22 A Can you go back a little bit?

23 Q Yes.

24 A Up there. Go down a little bit.

25 Yeah, maybe it's a draft. I don't remember.

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1 Q As to payment for September Johnson, did you
2 ever look at the emails between Kamiar Alaei and
3 September Johnson regarding that issue?

4 A If she sent them and I asked her to, then
5 yes, I looked at them.

6 Q Do you know if she sent them?

7 A If she did, they would have been a part of
8 the report. I don't remember.

9 Q Okay. So the report was at Exhibit E-1.
10 scrolling down to documents received. Let me know if
11 you have seen the emails between September Johnson and
12 Kamiar about payment.

13 A You can scroll down. You can scroll down.
14 Oh, wait, go up. I'm so sorry.

15 Q That's all right.

16 A Up again a little bit more.

17 (Witness perusing documents)

18 A So I wonder if in the -- so I don't see it
19 listed here, which tells me one of two things. She
20 never sent them, but I also wonder if there were other
21 documents, right, in the overall file related to this.
22 I don't know the answer. I, I don't know.

23 Q I'm just, if there were emails between
24 Kamiar Alaei and September Johnson, would their
25 various positions on her payment issue, would that

Chantelle Botticelli

1 have been relevant to the allegations by September
2 Johnson that there were alleged payment problems with
3 Kamiar Alaei?

4 A Absolutely, yeah, that would have been. So
5 maybe she -- she might not have sent them to me.

6 Q Do you know if anybody asked Dr. Alaei if he
7 had any emails he could provide that would provide
8 insight into that issue?

9 A I don't know.

10 Q At the end of the, your end of the
11 investigation into Title IX issues, did you develop an
12 opinion that, based on the allegations reflected in
13 Roman numerals I, II and III, that Dr. Alaei had
14 violated SUNY Albany policies?

15 A Develop an opinion that he violated the
16 policies. Like I had said earlier, it wasn't my job
17 to "develop an opinion". My job was to gather the
18 evidence and then turn it over to HR, who would
19 complete the investigation by talking to Kamiar if he
20 was willing to engage in conversation. I remember my
21 opinion was that HR should proceed. My recommendation
22 was based on the information I got. My recommendation
23 was that HR should proceed through the disciplinary
24 process given the information that we had.

25 Q All right. So your recommendation was that

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1 HR should seek to impose discipline and possibly
2 terminate his appointment?

3 A Yeah, right. And you have to -- my
4 understanding at the time was that you initiate that
5 process to then do the interrogation, right. So my
6 recommendation was there is -- if these allegations
7 are accepted as true, these would be -- this is
8 potential policy -- that's not right, let me -- my
9 recommendation was HR, here's all of the information I
10 gathered, there's a lot of information here, right,
11 lots of allegations and corroborating evidence to
12 continue this investigation.

13 Q Do you know if under the UUP process HR
14 could have conducted an interrogation at any point in
15 time after it issued the alternative assignment letter
16 in early February 2018?

17 A I don't know the answer to that.

18 Q I'll show you some emails, let's see if we
19 can get through these.

20 I'm showing you what's been marked for
21 identification as Plaintiff's C-1, an email from Brian
22 Selchick, including you, dated February 2018. It
23 reflects that they were going to be putting Dr. Kamiar
24 Alaei on alternative assignment, as well as removing
25 his email and card access and keys.

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1 Does this refresh your recollection about
2 the issue of email and how that issue was decided,
3 that Dr. Alaei be precluded from using his email
4 account with SUNY?

5 A No, I don't know. Again, my understanding
6 was that was just part of the process.

7 Q Okay.

8 A I was never part of the conversation about
9 cutting off his email, that I recall.

10 Q Okay. Showing you Plaintiff's Exhibit C-3.
11 C-3 is a document, it says "GIHHR next step". There's
12 handwritten notes, 3/29/18, it says "Bruce S.
13 outline". Do you recall or do you recognize this
14 document or recall what this document is?

15 A I do remember the document but I don't
16 remember what it says. I remember Bruce made it.

17 Q So you recognize this as a document that
18 Bruce made?

19 A I'm pretty sure, yes, yeah.

20 Q Did Bruce generally make documents like this
21 when there were sexual misconduct allegations
22 concerning a faculty member?

23 A I only worked for Bruce for like, or worked
24 under Bruce for I think it was -- I don't know if he
25 generally made documents like that. I didn't work

Chantelle Botticelli

1 with -- for him very long.

2 Q In your experience as Title IX coordinator
3 or otherwise as associate vice president, did he ever
4 prepare documents like this in other investigations
5 you were involved in?

6 A No, I never saw him make other
7 investigation -- another document like this.

8 Q This document, there's a handwritten note
9 that says "doesn't address student reaction". Do you
10 have any understanding of what that's referring to,
11 any understanding?

12 A I do not.

13 Q I refer you to Plaintiff's Exhibit C-6.
14 Exhibit C-6. Do you recognize this document? It's
15 identified as the GIHHR time line. There's a
16 handwritten note in the upper right hand corner that
17 appears to say 4/18/18, then there's handwritten notes
18 that appear to say Bruce, provost, maybe Jim Dias, JR
19 Lewis and somebody else, I can't read those. But do
20 you recognize this document generally?

21 A No.

22 Q Does this look like a document that Bruce
23 may have created, Bruce Szelest?

24 A I don't know.

25 Q Do you know whether there had been a

Chantelle Botticelli

1 determination made by university personnel as of April
2 18, 2018 to issue a notice of discipline against Dr.
3 Alaei and to seek to initiate the non-renewal of Dr.
4 Alaei?

5 A I don't remember.

6 Q Okay. And if I can refer you to
7 Plaintiff's Exhibit D-1. Plaintiff's Exhibit D-1
8 includes an email from you to others dated March 9,
9 2018. I'll just let you take a look at it. The
10 subject is GIHHR investigation.

11 A Yeah.

12 Q Do you recognize this document?

13 A Yes.

14 Q Did you write this email?

15 A I sure did.

16 Q This email says in part, "I have been asked,
17 Bruce, to make this matter our top priority." Can you
18 explain to me what you were referring to about Bruce
19 asking you to make this matter a top priority?

20 A Yeah. So we -- he asked us to do the
21 investigation as quickly as possible, right, because
22 again, we had a number of students coming forward.
23 And their frustration, disappointment, whatever their
24 feelings, they had big feelings, right, and those
25 feelings were starting to be expressed more forcefully

Chantelle Botticelli

1 and loudly. And so we wanted to get an understanding
2 of what the basis for those feelings were so that we
3 could address it. Not only for the benefit of the
4 students but for the benefit of Dr. Alaei, right.
5 Because whether, what the students -- right, students
6 don't always get it right. They sometimes think they
7 have an understanding it's something the university
8 has done, and they, whether appropriately or
9 inappropriately, can cause a lot of -- they can bring
10 a lot of attention to an issue that can be harmful,
11 right, if what -- the issue that they're raising or
12 the things that are making them upset are based on
13 untruths, right. So not only were we concerned about
14 them and getting to the bottom of, of whatever it was
15 that they believed happened, but we were also
16 concerned about Dr. Alaei. And, and if they were
17 getting upset about him, because they were directing
18 anger and upset, they were directing some of their
19 feelings towards him, what they were feeling about
20 some of those things, if what they were alleging was
21 based on information that was incorrect, we wanted to
22 correct that to protect Dr. Alaei. And so Bruce said
23 this is -- this is getting big, this is getting
24 bigger, please look into this right away and get as
25 much information as you can so we can determine next

Chantelle Botticelli

1 steps to protect the community as a whole.

2 Q So the students were upset with Kamiar Alaei
3 allegedly for facilitating contact with students and
4 staff and Arash on his alternative assignment and then
5 after separation. So why at no point in the
6 investigation did anybody with SUNY Albany explain to
7 the students look, Arash on his alternative assignment
8 is able to communicate with students and staff if he
9 asked Harvey Charles and Harvey Charles approved it --

10 MR. WHITE: Objection.

11 Q -- and don't blame Dr. Kamiar Alaei, blame
12 Harvey Charles and SUNY and their alternative
13 assignment?

14 MR. WHITE: Objection to form. You can
15 answer.

16 A Because that wouldn't have been an accurate
17 response to their concern. That wouldn't have been
18 wholly accurate, so we did not say that.

19 Q well, it wouldn't have been wholly accurate
20 to the issue of the alternative assignment?

21 A So any of it is inaccurate.

22 Q I'm just saying as to -- let me clarify, I'm
23 sorry.

24 A Okay.

25 Q Just on the students' concerns, and I'm

Chantelle Botticelli

1 splitting up alternative assignment with post
2 separation of Arash Alaei. Students' concerns
3 regarding alternative assignment and getting angry
4 with Kamiar Alaei, why didn't anyone ever explain to
5 the students that Arash Alaei's alternative assignment
6 provided for him to contact students and interns with
7 the approval of Harvey Charles that such there was,
8 you know, discussions of such over time, we don't know
9 the scope right now, but that was something that was
10 able to be done outside of Kamiar Alaei, don't blame
11 Kamiar Alaei. So why wasn't something to that effect
12 ever conveyed to the students during this time about
13 the alternative assignment?

14 MR. WHITE: Objection to form. You can
15 answer.

16 A It wouldn't have been accurate to say.
17 You're suggesting that we get up and say you don't
18 have to blame Kamiar Alaei for the fact that Arash is
19 engaging with students. So it would not have been
20 accurate. Because even if, and at the time I was not
21 aware that Harvey Charles told Arash, and I still
22 don't know whether or not Harvey Charles told Arash
23 that he could engage with the four students on the
24 list that you showed me earlier, Exhibit 5, right. I
25 don't know if that's true, and as I sit here today I

Chantelle Botticelli

1 still don't know that it's true. But it doesn't
2 address the issue with all of the other students,
3 right, all of the other students that he was not given
4 permission to engage with but that he nevertheless
5 engaged with and at Kamiar's direction, so.

6 Q And I'm --

7 A So that --

8 Q Go ahead.

9 A So that would have been inaccurate.

10 Q So I'm breaking this up. The students,
11 according to what you have stated today, they raised
12 concerns about Arash or Kamiar allegedly facilitating
13 or allowing Arash Alaei to interact with GIHR
14 students and staff while Arash Alaei was on
15 alternative assignment, that's one. Students were
16 raising issues and concerns with Kamiar Alaei
17 allegedly facilitating or directing or allowing Arash
18 Alaei to interact with students and staff after
19 separation. That's issue two. The other issues about
20 students raising concerns allegedly about how the
21 operations were going in terms of the payment or
22 changing expectations, now that's issue three.

23 So I'm asking now just about issue one as I
24 just presented. Why didn't at any point during this
25 investigation SUNY Albany personnel explain to

Chantelle Botticelli

1 students, who are articulating and voicing their
2 concerns and frustration, that while Arash was on
3 alternative assignment there was a process set in
4 place that he would be able to contact students if
5 Harvey Charles approved, that we know there were times
6 where he did solicit it for certain people. We don't
7 know other times that he might have solicited for
8 people, and we don't know yet if Harvey Charles
9 approved it. But it doesn't involve Kamiar Alaei
10 because he had no oversight of Arash's alternative
11 assignment. I mean, why couldn't something like that
12 have been articulated?

13 MR. WHITE: Objection to form. You can
14 answer.

15 A I don't know.

16 Q Now, the supervision issue with students
17 raising concerns about Kamiar Alaei that he allegedly
18 directed or facilitated Arash Alaei interacting with
19 them afterwards, why wasn't a statement ever made to
20 the students about look, we didn't direct Kamiar not
21 to allow that, there might be grants he's been working
22 on that he's required to still interact on because
23 they're still in the name of GIHHR for their programs
24 so we're looking into this. I mean, why couldn't
25 something like that have been conveyed to the students

Chantelle Botticelli

1 at any point?

2 MR. WHITE: Objection to form. You can
3 answer.

4 A I don't, I don't know the answer to the
5 question. And I also don't know that something to
6 that effect wasn't communicated. Now that you're just
7 talking, I don't remember what exactly was
8 communicated in that, in that meeting. Maybe what
9 you're suggesting was in some form. I don't remember.
10 But if it wasn't, then I don't know.

11 Q At the meeting on February 9, 2018, if those
12 types of responses from SUNY personnel were not made,
13 you don't know why they wouldn't have been made; is
14 that fair to say?

15 MR. WHITE: Objection to form. You can
16 answer.

17 A Yes.

18 Q Okay. Was it typical for Bruce to convey
19 that during a sexual misconduct investigation it
20 should be made a top priority as compared to other
21 things you were working on at the time?

22 A There's other things that we prioritize,
23 yeah. I can name several of them off the top of my
24 head.

25 Q Okay. Can you name those?

Chantelle Botticelli

1 A Sure. There was a situation where a student
2 was -- where somebody woke up to a stranger raping
3 them in the dorm. That report came in on a Saturday,
4 and we all came to work. There was other incidents
5 that we prioritized. It depended on all sorts of
6 things, right. And so it wasn't out of the ordinary
7 for us to try to work through something more quickly
8 to address situations that posed a threat to the
9 safety and stability of our community, including the
10 accused folks and the folks coming forward to raise
11 the complaints.

12 Q So Bruce would make, Bruce Szelest would
13 direct you to make issues a top priority if he felt
14 they were a threat to the safety and well-being of the
15 SUNY Albany community?

16 A Yes. In this particular case, for the
17 reasons that I pointed out, there was concerns about
18 the student and about Dr. Alaei. And so he said,
19 right, there's very serious allegations being made,
20 emotions are rising, those emotions can impact the
21 stability and safety of the students in the center,
22 and they can impact the safety and stability of Dr.
23 Alaei, so let's get to the bottom of this quickly so
24 that we can address it.

25 Q Did anybody ever consider at the outset the

Chantelle Botticelli

1 impact on Dr. Alaei's professional career, his
2 reputation, being removed and cut off from having
3 access to his job and, you know, things he was working
4 on --

5 A A hundred percent.

6 Q -- when they made that decision?

7 MR. WHITE: Objection to form. You can
8 answer.

9 A A hundred percent. Which is why he asked us
10 to move quickly.

11 Q So at least in these types of matters when
12 you say moving quickly, this investigation was
13 initiated in or about February 8, 2018, and then the
14 interrogation was held on May 9, 2018. That's
15 typically a quick schedule for these matters?

16 MR. WHITE: Objection to the form.

17 A In my experience, and I've been conducting
18 university investigations since 2015 or overseeing
19 them, that is incredibly fast, particularly when
20 there's a union involved. Incredibly fast.

21 Q Would your files for other investigations
22 you were conducting at the time reflect the time
23 period in terms of when an investigation was started
24 and when it was concluded as to other types of sexual
25 misconduct investigations?

Chantelle Botticelli

1 A I'm sure it would.

2 Q If I can refer you to D-2.

3 MR. WHITE: Joe, do you know how much longer
4 you're going to be?

5 MR. CASTIGLIONE: Yeah, I'm trying to just
6 finish it up here.

7 MR. WHITE: Do you need a break?

8 MR. CASTIGLIONE: I mean, maybe five, ten
9 more minutes.

10 MR. WHITE: Okay.

11 Q I'm sorry, I am trying to get through it.
12 D-2.

13 A I'm sorry, I'm just, I needed to just check
14 my phone because I wanted to see the time and if my
15 husband texted.

16 Q That's all right.

17 Plaintiff's Exhibit D-2, it's a chain of
18 emails between you and Brian Selchick from March 26,
19 2018. If you just read through these quickly, or take
20 your time obviously, but.

21 (Witness perusing documents)

22 A Okay, I've seen them.

23 Q So you recognize this email, you remember
24 this conversation?

25 A Yeah.

Chantelle Botticelli

1 Q Mr. Selchick was making sure that, he wanted
2 to make sure that he didn't miss a safety well-being
3 retaliation concern if and when Kamiar comes back. Do
4 you know what he's referring to there?

5 A I don't remember, no.

6 Q Your response is "I thought we agreed he
7 wasn't going to come back. I'm confused." Do you
8 remember the basis of your response there?

9 A Yeah. My understanding was that there had
10 been a decision to not renew Kamiar.

11 Q Okay. So as of March 25th, 2018, a decision
12 had been made that, based on the allegations at issue,
13 SUNY should separate and non-renew Kamiar's
14 appointment; is that fair to say?

15 A That was my understanding. But clearly my
16 understanding was wrong, right, and so I was
17 corrected. But that was my understanding. I don't
18 remember why that was my understanding, but it was my
19 understanding.

20 Q So Mr. Selchick responded, right, so,
21 confirming your understanding. Is that what you
22 recall?

23 A I guess, yeah. I, I -- yes.

24 Q So is it fair to say, as reflected in this
25 email, you and Mr. Selchick had discussed Dr. Alaei

Chantelle Botticelli

1 being decided not to have his employment renewed?

2 A Yeah, there had been discussion about
3 non-renewal, yeah.

4 Q And had there been a determination by SUNY
5 at this point, SUNY Albany, that they were going to
6 pursue non-renewal and non-renew Dr. Alaei's
7 appointment?

8 A Apparently that was my understanding. But I
9 guess I was wrong. I thought that that was what was
10 going to happen, that he was going to be non-renewed
11 in March. That was my understanding. And then there
12 was this exchange wherein I left the exchange thinking
13 maybe I'm wrong, maybe that's not the plan. Because
14 again, it wasn't my call, it's HR's call.

15 Q Did the president have any input on the
16 decision about non-renewal at this point?

17 A Not that I recall.

18 Q What about Bruce Szelest?

19 A Not that I recall. My recollection is that
20 after I turned over my report, right, I basically said
21 here's the information, here's the facts that we
22 gathered, my recommendation is that you -- that this
23 matter proceed, right, and that you continue to gather
24 information. And then I wasn't really fully involved.
25 I moved on to other -- right, I was assigned to do

Chantelle Botticelli

1 other work. And so I don't remember being heavily
2 engaged in conversations about next steps. Which is
3 why --

4 Q Okay.

5 A -- it looks like I was mistaken.

6 Q So -- go ahead.

7 A I was mistaken about what was going to
8 happen.

9 Q I'm showing you a document identified as
10 Plaintiff's D-3, handwritten notes. They appear to be
11 dated 4/3/18. The top was "how do we maintain the
12 integrity of the non-renewal with or without the
13 notice of discipline (NOD) interrogation."

14 Do you recall SUNY maintaining that position
15 about deciding if non-renewal was appropriate with or
16 without notice of discipline or interrogation?

17 A I don't remember.

18 Q Okay. There's a note here that says
19 "performance evaluation to support non-renewal, we
20 could recreate that." Do you remember having
21 discussions or anybody discussing recreating
22 performance evaluations for Dr. Alaei in an effort to
23 support non-renewal of Dr. Alaei?

24 A I do not remember any such conversation
25 ever.

Chantelle Botticelli

1 Q Do you know if anybody consulted with Harvey
2 Charles on the issue to renew or not renew Dr. Alaei
3 in the spring of 2018?

4 A Again, I wasn't part of the decision making
5 process.

6 Q Okay. I show you --

7 A I remember being told that -- I remember
8 believing that that was the plan, based on a
9 conversation that I probably had with Brian Selchick.
10 But I wasn't part of the decision process.

11 Q Sure.

12 I show you what's been marked as Plaintiff's
13 Exhibit D-4. These are handwritten notes dated
14 5/2/18. It says "12:00", it says "Chantelle, JR, BSS,
15 Tricia," and then I don't know what that other, I
16 think it's maybe Randy Stark. Do you recall this
17 document?

18 A "What documentation do we have that Kamiar
19 was in contact with employees." I don't remember. I
20 mean, I don't even know who created this document.

21 Q Do you recall having a meeting on or about
22 May 2nd, 2018 with Randy Stark or Brian Selchick or I
23 believe one of your colleagues, Tricia in Title IX?

24 A I'm sorry, I don't remember. Obviously I
25 was at a meeting, but I don't recall.

Chantelle Botticelli

1 Q Did you keep track of or notes or whatnot
2 reflecting if you had meetings on any given day?

3 A No. No. And I know I saw in the section
4 there's not a response report. I normally would, but
5 the matter was closed for us, right. We were done
6 with our investigation, or our part of this in our
7 office was complete, and so I didn't document that.

8 Q So as of May 2nd, 2018 the Title IX
9 investigation had been deemed complete concerning Dr.
10 Kamiar Alaei?

11 A Yeah. And remember, it wasn't just Title
12 IX's investigation, it was a collaborative
13 investigation with my office and HR. And, like I
14 mentioned earlier, we took the bulk of it really
15 because of our capacity to do that. We just had more
16 skilled investigators and we had more investigators
17 than HR. Not to diminish Brian's investigative
18 skills, but.

19 Q Sure.

20 And just going back to the email, excuse me,
21 Exhibit D-1, this will be my last question here.
22 Exhibit D-1 was the email from you dated March 9,
23 2018. Included with that there's, it looks like an
24 email from Randy Stark. It says "meeting status
25 accepted".

Chantelle Botticelli

1 Do you recall if you were scheduling
2 meetings or other people were scheduling meetings
3 regarding the investigation concerning Kamiar Alaei,
4 if they would send out these types of email meeting
5 notices?

6 A When you say "these types of email meeting
7 notices", what do you mean?

8 Q So this appears to, just based on my own
9 familiarity with my email system, it appears that
10 somebody has sent out an email invite to other people
11 at SUNY Albany regarding this GIHR updates. It says
12 subject, location, start, end time.

13 A Yeah.

14 Q "Recurrence, meeting status, accepted".

15 If you were trying to schedule meetings,
16 would you send out an email meeting invite similar to
17 what's shown here on Exhibit D-1?

18 A My practice -- and I wasn't the organizer of
19 this meeting, I don't remember anything about this
20 meeting, and those notes there are not mine. I don't
21 know what they say and I don't know who made them.
22 But I don't know that everybody did that, right. So I
23 distinctly remember that, for example, like sometimes
24 people on this list would just call and be like be
25 here at one, and they didn't use technology. So it

Chantelle Botticelli

1 was really, right. So I wouldn't know -- that's how I
2 organized meetings. If I was organizing a meeting I
3 would send the calendar invite to everyone that was
4 invited to the meeting. That's my answer.

5 Q Okay. No, that's clear.

6 MR. CASTIGLIONE: Thank you very much for
7 your time. That's it.

8 THE WITNESS: That's it. All right.

9 MR. WHITE: Nothing from me. Thank you very
10 much.

11 MR. CASTIGLIONE: Okay. Take care.

12 THE WITNESS: Thank you, have a good night.

13 (Time noted: 5:00 p.m.)
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ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

I, CHANTELE BOTTICELLI, hereby certify I
have read the transcript of my testimony taken
under oath, on the 26th day of July, 2023; and
the transcript, except as noted in any attached
errata sheet(s), is a true record of my
testimony.

CHANTELLE BOTTICELLI

Subscribed and sworn to before me
this ____ day of _____, 2023.

NOTARY PUBLIC

My Commission expires the
____ day of _____, 20____.

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF ORANGE) SS:

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public within and for
the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 12th day of September, 2023.

Kari L Reed

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3 MR. CASTIGLIONE 4

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5 EXHIBITS:

6 PLAINTIFF'S

7	NUMBER	DESCRIPTION	PAGE
8	M	Email chain between Arash	
9		Alaei and Harvey Charles	89

10

11 INFORMATION REQUESTED: (None)

12

13 QUESTIONS MARKED: (None)

14

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